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**REPEAL OF LAW AND POLICIES
GOVERNING SERVICE BY OPENLY
GAY AND LESBIAN SERVICE MEMBERS**

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

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ONE HUNDRED TWELFTH CONGRESS

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**REPEAL OF LAW AND POLICIES GOVERNING SERVICE
BY OPENLY GAY AND LESBIAN SERVICE MEMBERS**

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Thursday, April 7, 2011.

The committee met, pursuant to call, at 1:00 p.m. in room 2118, Rayburn House Office Building, Hon. Howard P. "Buck" McKeon (chairman of the committee) presiding.

**OPENING STATEMENT OF HON. HOWARD P. "BUCK" MCKEON,
A REPRESENTATIVE FROM CALIFORNIA, CHAIRMAN, COM-
MITTEE ON ARMED SERVICES**

The CHAIRMAN. The committee will come to order. We are, I think, going to have votes in about 20 minutes. So we will try to get through as much as we can before we have to break before that.

Today, the committee will receive a status report on the process for repealing the law and changing the policies governing the service of openly gay and lesbian service members. This past fall, I was troubled by the process employed to set the stage for repeal of the law known as "Don't Ask, Don't Tell."

Following the December release of the Department of Defense report on the issues associated with repeal of Don't Ask, Don't Tell, there was none of the in-depth analysis that is so essential to sound decisionmaking here in the House of Representatives. As a result of the rush to judgment that bypassed this committee, Congress was denied the opportunity to ask questions and identify weaknesses in the repeal implementation plan. Now we are confronted by an implementation process that is moving quickly to completion and the education and training phase.

Our primary interest today is to ensure that the senior leaders of each Service have the opportunity to communicate their current views about the implementation of repeal. Several of the Service chiefs have expressed reservations about the timing and potential impacts of repeal during a hearing before the Senate Armed Services Committee, and we want to understand if our military leaders remain concerned about the prospect of full repeal of the law.

For example, General Casey, Chief of Staff of the Army, indicated that the repeal was a major cultural and policy change in the middle of a war that would add stress and complications for combat units. He stated that he felt implementation would be more difficult than what the Pentagon survey would suggest.

General Schwartz, Chief of the Staff of the Air Force, recommended not carrying out any repeal until 2012 because of the strain of the high operations tempo on our forces. He stated, "I do

not agree with the study assessment that the short-term risk to military effectiveness is low.”

General Amos, Commandant of the Marine Corps, stated, “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.”

Those comments were made a couple of months ago at the Senate hearing.

The one outcome that must be avoided is any course of action that would put the combat readiness of our military forces at risk.

Our witnesses today are the four leaders of our Armed Forces: General Peter Chiarelli, Vice Chief of Staff, United States Army; Admiral Gary Roughead, USN [United States Navy], Chief of Naval Operations; General James Amos, Commandant, U.S. Marine Corps; General Norton Schwartz, Chief of Staff, U.S. Air Force.

General Chiarelli, we thank you for standing in for General Casey today and ask you to please extend our heartfelt condolences from all the members of the committee and the staff of the Armed Services Committee to General Casey and his family on the passing of his grandson, Jackson Ryan Casey.

Admiral Roughead, you are moving closer to departure from your current position and may not have the opportunity—some would probably not call it an opportunity—to testify before this committee again. I want to express the collective thanks of all the members of the committee for your 38 years of service and best wishes for the future.

Ranking Member Smith.

[The prepared statement of Mr. McKeon can be found in the Appendix on page 41.]

STATEMENT OF HON. ADAM SMITH, A REPRESENTATIVE FROM WASHINGTON, RANKING MEMBER, COMMITTEE ON ARMED SERVICES

Mr. SMITH. Thank you, Mr. Chairman.

I join you in welcoming our witnesses and passing along my condolences to General Casey.

I welcome General Chiarelli, General Amos, General Schwartz, Admiral Roughead. Thank you for being here, and thank you for your incredible service to our country.

Don’t Ask, Don’t Tell was put into place almost 18 years ago. Since that time—I guess even at the time—it was hotly debated, discussed, studied, and argued about. And in the 18 years since, that has continued. We have had countless studies and countless opinions expressed through those years.

And I will disagree a little bit with the chairman. This committee has had many hearings on precisely this subject on the subcommittee level, and we have also debated it on the full committee level over the course of the last several years.

I don’t think it is fair to say that we haven’t thought about this or that the military services haven’t thought about this and of course, culminating in the very, very large study of service mem-

bers to get their feedback and their opinions. I believe we have analyzed this at enormous length over an enormous period of time. And at some point, you have to make a decision about what the best way to go forward is.

And I am pleased this Congress and the President made that decision last year and made what I think was the only logical choice and that was to allow gays and lesbians to serve openly in the military, because it is interesting, we all know that gays and lesbians have been serving in the military for quite some time, and I have yet to meet a service member who wasn't abundantly aware that somebody they were serving with was gay or lesbian, and yet we have the finest military in the world. The unit has been able to function—and function quite well—under that circumstance.

The only oddity that we had in the law was if the fact that there was a gay and lesbian serving in the military happened to bubble up to the command structure, the law required you at that point to take that person out of the military. They have served, served well, and served alongside other service members who have found a very easy way to work with them and give us the finest military in the world.

When you look at these questions, it is frequently asked by many people about whatever policy comes up before the military, is a simple question: Does this policy make us safer? Does it strengthen our national security? In this case, the answer to Don't Ask, Don't Tell is clearly no. Driving able-bodied people out of the military who are serving and serving us well at a time when we are at war does not make us safer and does not give us a better military.

Now I will grant you that there is going to be some implementation issues here. But there are many policies that are problematic and difficult throughout the military for the Service people to work with, and they find a way to work with them, and they find a way to move forward.

And I applaud you gentlemen. I applaud the military for the way they have approached this. They are trying to do it in the most user-friendly way possible to make sure that it works and is effective. But it is long past time to study this issue. It is making us weaker to drive people out of the military who are serving us well. And I hope we will go forward with the implementation of the change in this policy as quickly and expeditiously as possible.

I look forward to your testimony. Thank you.

[The prepared statement of Mr. Smith can be found in the Appendix on page 42.]

The CHAIRMAN. As bipartisan as this committee is, we can disagree, but we can do it in a gentlemanly-like way. And I thank the ranking member for his comments.

Mr. SMITH. I should have said I think the chairman is doing an outstanding job running this committee, and I agree with him most of the time, and we have worked very well together. We just have those moments, like everybody.

The CHAIRMAN. Thank you. I do have a unanimous consent request, knowing that General Casey, Chief of the Staff of the Army, would not be able to testify, I asked that he provide answers to a series of questions I put to him in writing. We have his response.

At this time, I ask unanimous consent that my letter of April 4, 2011, to General Casey and the General's response of April 6, 2011, be entered into the record. The letters are now or have been distributed to the members. Without objection, so ordered.

[The information referred to can be found in the Appendix on page 57.]

The CHAIRMAN. General Chiarelli.

**STATEMENT OF GEN PETER W. CHIARELLI, USA, VICE CHIEF
OF STAFF, U.S. ARMY**

General CHIARELLI. Chairman McKeon, Ranking Member Smith, distinguished members of the committee, I thank you for the opportunity to appear before you today to discuss the Army's implementation plans for the repeal of legislation commonly referred to as Don't Ask, Don't Tell.

As you acknowledged, Mr. Chairman, General Casey is unavailable to participate in today's hearing due to the recent loss of his grandson, and he deeply appreciates everyone's thoughts and prayers during this very sad and difficult time.

In December, General Casey testified before the Senate Armed Services Committee, stating his belief that: While the implementation of the repeal of Don't Ask, Don't Tell would add yet another level of stress to a force already stretched by nearly a decade of war, it would be more difficult in combat arms units and it would, in general, be more complicated an endeavor than the comprehensive review suggested. If properly implemented, the repeal would not preclude our force from accomplishing its worldwide missions, to include combat operations.

General Casey assured the members of the committee that we have a disciplined force, led by experienced, seasoned leaders, who with appropriate guidance and direction, can be relied upon to effectively oversee the implementation of Don't Ask, Don't Tell repeal, with moderate risk to our military effectiveness in the short term and to our ability to recruit and retain America's All-Volunteer Force over the long haul.

Finally, he assured the members that if directed to implement the repeal, the Army would work closely with the Department of Defense and other Services to make certain the implementation is conducted successfully, in a timely fashion, and in the same disciplined manner that has characterized our service to the Nation for over 235 years.

I stand by the Chief's previous remarks. I know he does as well.

Since that hearing, consistent with Congress' decision and the President's and Secretary of Defense's guidance, the Army has begun a deliberate process of training and educating our force on exactly what the repeal means in terms of regulation and policy changes.

As in everything we do, ultimately the success of our implementation plan rests on the shoulders of our leaders. As such, our plan is based on the chain teach method of training. Simply put, chain teaching places direct responsibility on commanders to ensure all leaders, officers and noncommissioned officers, soldiers, army civilians, and interested family members are properly and sufficiently educated on this important policy change, its potential impact on

them, and our expectations of them. To this end, General Casey's guidance to commanders is clear: Leadership matters most.

This training is not disruptive. In February, General Casey personally led the first session with all four-star Generals, flanked by the Army subject-matter experts, the Judge Advocate General, Inspector General, Chief of Chaplains, and the Deputy Chief of Staff for Personnel. I participated in this session, and I can attest the process works. The chain teaching program facilitates thoughtful, constructive dialogue between leaders and subordinates. This dialogue is hugely important, especially at the lowest levels, where ownership and consensus are most critical.

While soldiers' response to the repeal has so far been generally positive, we cannot assume there will be no opposition from within our ranks in the days ahead. In fact, we recognize there are some segments of the force, primarily within the combat arms, that have expressed concern regarding the repeal.

On the whole, our force is stretched and stressed by nearly a decade of war, a war that is not over yet. Mindful of these and other considerations, we recognize if we mitigate the risks to readiness, recruiting, and retention, we must continue to do this deliberately. Training is just the start. Although I am confident our efforts to implement the repeal of Don't Ask, Don't Tell are on track, the entire process, done properly, will take time.

Mr. Chairman, members of the committee, on behalf of our Secretary, John McHugh, and our Chief, General George Casey, I thank you for your patience, for your continued generous support and demonstrated commitment to the outstanding men and women of the United States Army and their families, and I look forward to your questions.

The CHAIRMAN. Thank you.
Admiral ROUGHEAD.

STATEMENT OF ADM GARY ROUGHEAD, USN, CHIEF OF NAVAL OPERATIONS, U.S. NAVY

Admiral ROUGHEAD. Chairman McKeon, Representative Smith, and distinguished members of the committee, thank you for the opportunity to appear before you today to address how our Navy is preparing to implement repeal of 10 U.S. Code 654.

I testified before the Senate Armed Services Committee in December that I supported the repeal of 10 U.S. Code 654. The United States Navy can successfully implement a repeal of the law. Combat effectiveness is what we provide the Nation, and repeal will not change who we are or what we do. Your Navy will continue to be the professional global effective and relevant force for the Nation that it has always been.

Although a specific date for repeal has not been set, we have begun the process for a prompt and thoughtful transition. We are preparing the necessary policies and regulations to implement this change in law, and we are training our sailors and leaders at all levels. Our training emphasizes the principles of leadership, professionalism, discipline, and respect. We are not conducting sensitivity training. We are focusing on ensuring our sailors understand what repeal means to them, their families, and the Navy, and that our standards of conduct and behavior will not be compromised.

We are carrying out our training using a tiered approach to ensure all sailors receive the appropriate level of training. We have 17 master mobile training teams providing training to command leaders in 17 geographic regions. Once certified by these master trainers, command leaders will then train personnel within their respective commands. Specialized training is also being provided to experts who may deal more frequently with repeal issues, such as chaplains, judge advocates, personnel support professionals, and recruiters.

I have established 1 July as Navy's goal for completing training, and we are on track to achieve this goal. Feedback from our sailors indicates the training they are receiving is comprehensive, well delivered, and effective. Additionally, we have not observed any impacts to readiness, effectiveness, cohesion, recruiting, or retention during this training period.

I continue to provide regular updates on our training progress to the Secretary of Defense and the chairman of the Joint Chiefs of Staff and remain personally engaged with them throughout this process.

I am confident my assessment of Navy's readiness for repeal will be carefully considered during the certification process, and I do not believe it is necessary to provide additional or separate input outside of this process. I have the ultimate confidence that the men and women of the United States Navy, with their character, discipline, and decency, will successfully implement this change in the law.

Navy leaders will continue to set a positive tone, create an inclusive and respectful work environment, and enforce our high standards of conduct throughout the Navy as we serve the Nation. Our sailors will continue to live by our core values of honor, courage, and commitment, which endure as the foundation of our Navy.

I thank you and I look forward to your questions.

[The prepared statement of Admiral Roughead can be found in the Appendix on page 43.]

The CHAIRMAN. Thank you.

General Amos.

**STATEMENT OF GEN. JAMES F. AMOS, USMC, COMMANDANT,
U.S. MARINE CORPS**

General AMOS. Chairman McKeon, Ranking Member Smith members of the committee, thank you for the opportunity to appear here today and report on the Marine Corps' progress toward certification of Don't Ask, Don't Tell. I had the opportunity to specifically address Congress on Don't Ask, Don't Tell on December 3, where I stated to the Senate Armed Services Committee that should Congress change the law, our Nation's Marine Corps will faithfully support the law.

The law signed by the President on December 22 established the conditions for the eventual repeal of Don't Ask, Don't Tell. The Marine Corps is working diligently to meet the corresponding requirements, as are all the uniformed Services. Once met, the required certification process may be provided by the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and the President to the congressional committees.

Overall, I am confident that Marine leaders at all levels will ensure compliance with the spirit and intent of the new law once it goes into effect. As such, your Marine Corps has taken the following significant actions in line with the direction of our civilian leadership: After the House of Representative and the Senate voted to repeal Title 10 U.S. Code 654 in December of 2010, I published the following guidance to the entire Marine Corps: "As marines, we abide by the laws of our Nation, and we will implement the new policy in accordance with specific directions and implementing guidance from our chain of command. Fidelity is the essence of who we are. Accordingly, we will faithfully execute this new law and will continue to treat each other with dignity and with respect."

While in Afghanistan over Christmas, Sergeant Major Kent and I spoke to more than 12,000 marines and sailors about the pending repeal and my expectations for successful implementation. Shortly after returning from Afghanistan, he and I made a video for all marines and their families to reinforce our message and to reach out to marines in locations that we could personally visit.

Your Marine Corps has closely followed the recommendations of the Comprehensive Review Working Group in developing and executing our implementation training. Some of the very first marines to receive this training were my three- and four-star general officers in late January. On 7 February, the Marine Corps as a whole began Corps-wide training.

I am pleased to report to this committee that the Marine Corps has completed 100 percent of all Tier 1 and Tier 2 training. As of today, our Tier 3 training is 41 percent complete throughout the Marine Corps. And I anticipate full completion of all training by 1 June. We will complete this training with the aid of the Internet online when absolutely necessary, but the majority of our training is done face-to-face.

Successful implementation of this policy depends upon leadership, professionalism, discipline, and respect. Leaders at all levels of our Corps are setting the example and are fully committed to the sustainment of our unit effectiveness, readiness, and cohesion.

In our profession of arms, adherence to standards of conduct is essential. Leadership is the key to creating and sustaining an environment where the opportunity to contribute, achieve, and advance to all is available.

Before making my final recommendation to move forward with repeal, I intend to use both the objective and the subjective measures to gauge the effectiveness of training and our readiness to implement this new policy. Before I recommend certification, the Marine Corps will have completed 100 percent of its special staff and leader training and approximately 90 percent of all remaining marines' training for both Active and Reserve Components.

While useful, objective measures alone are not sufficient for me to recommend certification. I will also use subjective tools to include command climate surveys, enlisted retention surveys, and Inspector General reports to measure training success. Additionally, I will rely heavily on feedback from my commanders throughout the Marine Corps. Prior to recommending certification, I will confirm that all the preconditions for certification have indeed been met.

I am confident that your Marines will faithfully abide by the laws of this Nation and will conduct themselves in accordance with the intent of the new policy. While leadership is the ultimate key to successful implementation of Don't Ask, Don't Tell repeal, our core values of honor, courage, and commitment will guide us through our training and implementation. I appreciate the opportunity to provide these details, and I stand ready to answer any additional questions the committee may have.

[The prepared statement of General Amos can be found in the Appendix on page 47.]

The CHAIRMAN. Thank you.
General Schwartz.

STATEMENT OF GEN. NORTON A. SCHWARTZ, USAF, CHIEF OF STAFF, U.S. AIR FORCE

General SCHWARTZ. Mr. Chairman, Congressman Smith, members of the committee, thanks for the opportunity to report on Air Force implementation of the pending repeal of the Don't Ask, Don't Tell policy.

Our implementation plan comprises two key components: Necessary revisions to policies and regulations, and then training of all airmen. We will rely on steady leadership at all levels to implement this change in a manner that is consistent with standards of military readiness and effectiveness and with minimum adverse effect on unit cohesion, recruiting, and retention in our Air Force.

Until applicable directives are updated and released, current policies remain in effect and will be enforced uniformly. Over-arching policy changes involving updates to accession processes, recruiting guidance, standards of conduct and separation actions are the basis for our implementation training, which began on February 14 and will complete on or about June 30 of this year.

The Air Force is administering the Office of the Secretary of Defense standardized three-tier training program, which was developed in conjunction with the Services and with OSD's [the Office of the Secretary of Defense's] Repeal Implementation Team to ensure consistent training themes for the entire force, from functional experts to commanders and senior leaders to all airmen across the force.

So far, we have trained 23 percent, some 117,000 of our members, and are on track to train the remainder within the prescribed training window. We will assure implementation is achieved responsibly, deliberatively, and effectively. Our preferred method of training is in person. However, when face-to-face Tier 3 training is not feasible, for example, during convalescent leave or deployment to locations where interrupting the mission to conduct training would have an adverse impact, commanders have discretion to use computer-based training or to schedule training upon return to garrison.

As training progresses, we will continue to report completion data to OSD twice a month. In the post-repeal environment, we will continue to monitor the effectiveness of our training through existing processes for follow-on assessment and monitoring.

Mr. Chairman and members of the committee, we thank you again for your support of the Armed Forces, the standards of con-

duct that we expect, that you expect of all airmen, entitling every airman to dignity, respect, and equal opportunity, and a commitment to service above self will not change. Guided by our core values of integrity, service, and excellence, we will implement this policy change with the same professionalism that we demonstrate in all of our daily endeavors.

Mr. Chairman, I look forward to your questions. Thank you.

[The prepared statement of General Schwartz can be found in the Appendix on page 51.]

The CHAIRMAN. Thank you.

And thanks to each of you.

The law was passed. You understand the relationship between the military and civilian law. You are doing your best to see that the law is implemented and followed correctly. I have would have expected nothing different.

General Chiarelli, General Amos, General Schwartz, as I indicated in my opening statement, each of you—and in your case, General Chiarelli, I am referring to the comments of General Casey—expressed reservations during your testimony to the Senate about the central conclusion of the DOD [Department of Defense] Comprehensive Review Working Group that the risk of repeal to overall military effectiveness was low.

As you proceed with the education and training phase of the implementation plan, has your attitude changed, and what is your current professional military judgment about the risk to military effectiveness?

General CHIARELLI. Mr. Chairman, thank you for that question.

As you indicated, General Casey did indicate that he felt that risk was moderate. I believe he feels that it remains moderate today, given as far as we have gotten in our training. I will say that I had a session with commanders last Friday. They have indicated no issues so far in Tier 1 and Tier 2 training as they get ready to kick off our Tier 3 training. But I think that General Casey would remain with moderate risk only because we are not far enough in our training to change that.

The CHAIRMAN. Thank you.

General AMOS.

General AMOS. Chairman, you remember the results of the survey that came back for the Marine Corps, and it was well above the 50 percentile from our combat forces that had concerns about unit cohesion and combat effectiveness. I reported that in my December 3 testimony.

I have had an opportunity to visit Afghanistan, as I said in my opening statement, over Christmas, travel around the Marine Corps. In fact, just this morning, I was on the VTC [video teleconference] with our commander on the ground in the Helmand Province. I am looking specifically for issues that might arise coming out of the Tier 2 and Tier 3 training. To be honest with you, Chairman, we have not seen it.

I mean, there are questions. There are questions about billeting for marines; the kinds of questions you would be expect. But there hasn't been the recalcitrant pushback. There has not been the anxiety over it from the forces in the field. I will tell you that I asked

specifically this morning Major General Toolan, I said, John, what are you seeing in the young marines that are out there?

He said, Sir, quite honestly, they are focused on the enemy, and maybe they will have questions when they return back to the United States of America, but right now, they are very focused. And he doesn't think it is an issue.

The CHAIRMAN. General Schwartz.

General SCHWARTZ. Mr. Chairman, I am not prepared to fall off of my assessment of moderate risk either, but we have trained a 100,000-plus airmen to date, and the way we have approached this and the reaction that we have experienced thus far indicates to me that we are mitigating the risk in the way we are approaching this. And so I am more comfortable than I was on the 22nd of December, but we still have a ways to go. And it requires the constant attention of all of us to bring this home.

The CHAIRMAN. Admiral Roughead, what are your thoughts today?

Admiral ROUGHEAD. I think, Mr. Chairman, my view, as the report was concluded, the survey was concluded, and as I testified in December, it was pretty consistent with what I sensed in the force that I had the opportunity to engage over time. Our training is going very well. In those areas that we detected that there may be some areas of moderate risk, particularly some of the expeditionary forces that we had engagements similar to my shipmates here, indicate that it is not at the level that we had originally forecast and it is going rather well.

Similarly, as the training is conducted, the types of questions reflect the professionalism, the maturity, and the decency of our people. And so I am very comfortable. I was comfortable in making the recommendation last December, and it is consistent with what I continue to see in the Navy today.

The CHAIRMAN. I think one of the problems I had, as I expressed in my openings statement and a little of the difference that I had with Ranking Member Smith, was kind of the way it was presented to us and given to us. We didn't hold a hearing at the full committee level. We were given a briefing. The study was handed out to us just as the briefing started. So we really didn't have adequate time to read it to ask I felt appropriate questions. And so my concern was more the procedure of how it was all laid out.

But I—that is past, and now we are moving forward. I just want to make sure that we really are in tune with what is going on and that everybody has the opportunity to be involved in the process.

I will hold my other questions for later.

Ranking Member Smith.

Mr. SMITH. Thank you, Mr. Chairman.

I will make a quick comment. I have a question. I think you generally have answered all the pertinent questions in your opening statements and to the chairman's question, which is, do we have a fair process in place and are you having time to implement it? You seem to be working through it. It seems to be going better than expected. And we will see what happens as it proceeds. It was not a rush to judgment here. We didn't automatically repeal Don't Ask, Don't Tell. Part of the reason we put in place the way we did was to give you gentlemen the chance to do what you are doing

right now. And ultimately, it has to be approved by the Secretary of Defense and the Chairman of the Joint Chiefs.

I guess the comment is the question about the impact it will have on unit cohesion and effectiveness. I would imagine there are a fair number of things on a day in and day out basis that challenge unit cohesion, and you all have to figure out how to pull together and make it work. And I think when you ask the question in a survey, do people have concerns, they may well express them. But then if you follow up, as happens on numerous occasions within the military, I mean, part of the job of the people serving is you have to do a lot of very difficult things and to do some things they would rather not do, but they come together and they do it. That is why we have such an incredible military.

I think your comments about the initial stages of your training bear that out. Yes, we have concerns, but we will make it work. That seems to be the direction that it is going and that it is not going to undermine what the military is doing. Because, again, as all you gentlemen I think would acknowledge, it is not the first time it has occurred to anyone in the military that they are serving with gays and lesbians. That has been well known for a while.

So I appreciate your work, and I think that the training you are doing helps make sure that this will be a successful implementation. But I, too, am 100 percent confident that our military, that all of the Services, will keep doing the fantastic job they are doing, and they will be better for it because we won't have to drive people out of the military who are doing a good job just because of their sexual orientation. So I applaud your effort and I applaud the process you are going through. I guess I will just say for this committee, we stand ready to help in any way we can with that effort and with that process.

With that, I yield back.

The CHAIRMAN. Thank you.

Mr. Akin.

Mr. AKIN. Thank you, Mr. Chairman.

I had a couple of questions, again going back to when we had the hearing, although it wasn't technically a hearing, I guess.

The first thing is that particularly there was a sense of resistance in the combat arms. Now that doesn't surprise me particularly. At least it seems to make sense. Because if you are dealing with a regular office situation, that seems to me to be a very different environment than if you are bivouacked in the field somewhere or you are under the stress of combat in very tight quarters and under a lot of pressure and all. So it doesn't surprise me.

What were the numbers, first of all, in the Marine Corps in the combat arms section there? What were the numbers on that survey?

General AMOS. Congressman, they were in the 60s for the—and I don't have a precise number.

Mr. AKIN. Rough number.

General AMOS. Sixty percent for combat arms.

Mr. AKIN. Was that your assessment, the same as what seems to me to make sense, that in a more combat-type environment, then tensions could be—stress is higher and also the conditions you

are living in are more complicated; do you think that is what drove that number?

General AMOS. I think it could be that. I also think that in the units that predominantly are our principal command units, they are all male, typically. There are a few that have our females in it, but predominantly male. I think it is a function of they are just worried about combat. They are not sure what to expect. I think it was expectations and anticipation.

Mr. AKIN. The way the policy used to work, particularly in one of those combat situations or whatever—Admiral, if it is a submarine or wherever there is a tremendous amount of pressure—if someone's behavior started to become detrimental to the mission, the way it used to work, then they could be asked to leave the Service. So that tended to be a pretty strong—sort of kept a cap on behavior, perhaps.

With the new policy, you have to figure out new guidelines as to how that is all going to work. We can say everything is going okay, but obviously, you have had to do a lot of thinking. And then if this happens, if this happens, how do you handle those different kind of situations? If there is somebody who is openly homosexual and their behavior starts to get in the way of the mission, what are your alternatives now, and how are you advising the officers to handle those kind of situations?

Admiral ROUGHEAD. Thank you.

Mr. Akin, I would say that the fact that someone is gay or lesbian doesn't really enter into a disruption to the mission.

As you know, on most—almost in all of our communities, and very soon to be the submarine community, we are a very diverse force. It is not necessarily someone's sexual orientation or even someone's gender. If there is inappropriate behavior, if the conduct is unacceptable and undermines good order and discipline, that is the mechanism that causes a commander to take action and then process that individual or individuals through a judicial process or administrative process.

So the same standards, the same regulations and standards of conduct will apply as to good order, discipline, and sexual harassment and sexual misconduct. So it is not as if we are having to create new policies. We will be enforcing these as we have for many years.

Mr. AKIN. So, then, in the scenario that I am talking about, that is handled in the same way as if somebody were disruptive in a heterosexual type conduct, and if someone's behavior is a distraction and getting in the way of mission, then you discipline them the same as any other situation.

Admiral ROUGHEAD. Absolutely.

Mr. AKIN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Ms. Sanchez.

Ms. SANCHEZ. Thank you, Mr. Chairman.

Thank you, gentlemen, for being before us again today.

You know, when we were going through this whole process of Don't Ask, Don't Tell, I did not believe that our military units were so fragile that finding out having somebody next to you that was openly gay would be so disruptive to the mission of our units.

And I am very proud so far, as you have discussed today, of all our men and women in uniform who have—who not only go out and fight for us every day but who are also working through this new policy that you are trying to implement.

So I always thought they were strong and a great military force. And I think they are proving us right.

My question today, gentlemen, is about those gay and lesbian members, service members, who were discharged because they were gay under the—during the time of Don't Ask, Don't Tell. Now it is my understanding that those service members, if they didn't have anything else on their record, there was no other problem or judicial issue or anything, that they would be discharged with an honorable discharge. Is that correct?

Okay.

And in the normal—that now the policy will be that in the normal process, that those who were discharged under Don't Ask, Don't Tell can come back and ask to be put back into military service. Is that correct?

General SCHWARTZ. Ma'am, those members—those former members can apply to reenlist and will be considered for reenlistment based on the needs of the Services and our normal entry process.

Ms. SANCHEZ. So will they have to start over, or will they get to reenter with given credit for the service that they have held if the only reason they were put out is because it was known that they were gay?

General SCHWARTZ. It is an individual case consideration. But there is no guarantee for returning at the same grade, necessarily. Again, it depends on the needs of the Service.

Ms. SANCHEZ. But if that position were open, is there a process or are you working on the process in which a person says, I have been out for 2 years, but I am still fit, I want to go back, I had a career, I would like to go back to where I was, and I see that there are openings there?

General SCHWARTZ. Once again, if that scenario unfolded, it would properly be accommodated.

Ms. SANCHEZ. What are the guidelines if someone feels that they have gone back to the recruiter or they have gone back to try to reenlist and they have pushback? What are the policies in place, or what are you working through to ensure that they get a fair shake to try to get back their old career, if you will?

General SCHWARTZ. There are opportunities for appeal both to the Inspector General of the recruiting service, in our case, as well as the Air Force Board of Corrections for Military Records. And in those two mechanisms, former members can appeal the designation that they have received.

Ms. SANCHEZ. Lastly, what are the reporting—if you get harassed by someone of the same sex who happens to be gay, is it the same process as you would in any normal—I know I heard it from the other side, but I just—and what happens if the perpetrator is in the chain of command, is the supervisor? Is it the same rules as what we see, for example, under sexual assault or sexual harassment in the normal context that we have been working with?

General SCHWARTZ. Zero tolerance.

Ms. SANCHEZ. Thank you.

Thank you, Mr. Chairman. Those were my questions.

Thank you, gentlemen.

The CHAIRMAN. Thank you.

We have a series of votes. It is probably going to take close to an hour. Mr. Simmons has said he will make his office available if the chiefs would—I apologize. We are trying to go see that your pay continues. We will be in adjournment until the votes are concluded.

[Recess.]

The CHAIRMAN. The committee will come to order.

Thank you for your patience.

Mr. Wittman.

Mr. WITTMAN. Thank you, Mr. Chairman.

Gentlemen, thank you for so much for joining us. Thanks so much for your service to our Nation.

I wanted to pick up on the issue of readiness. I know, as this discussion comes up about Don't Ask, Don't Tell and the policy and the change in that policy, as I have heard from folks in my district, both those that are recently retired and those that are in Active Duty, one of the elements that they bring up to me is an issue of readiness. And I know that, in looking at the past survey work that was done, if you look at the survey results that you get back from those men and women that serve in combat zones, you see the results are a little bit different than those that are serving in other capacities.

So I think that naturally begs the question about, as we are going forward and looking at how this policy is put in place, are we going to expect from you all the proper due diligence to make sure that evaluations take place that are rigorous and that really drill down to look at our readiness capability, and then making sure, too, that we understand, if there are problems with the implementation here, what is then going to happen?

So I have a couple of questions. One is, from each of you, the rigor under which you will pursue evaluating the implementation of this policy. And then if it does create issues on readiness, operational issues, how do you expect to address them? And then will that affect certification?

And, General Schwartz, I will go ahead and begin with you.

General SCHWARTZ. Sir, the bottom line is, we will do this through the chain of command. And we will certainly monitor all the typical metrics that we look at, whether it be inspector general reports, whether it be sexual harassment indices, and, certainly, the commander-to-commander contact, which is continuous. If problems develop, we will design, you know, an approach to mitigate and to eliminate those challenges. I mean, we understand what the law of the land is, and that is the approach we will take.

It is my conviction that we will probably have some occurrences, some deviations from our standards of conduct. And we will deal with them as we do others, whether it is heterosexual, whether it is personal conduct of other matters not of a sexual nature and so on.

We are a force, as we all are, that are compliance-based, and we are going to continue to be that way.

Mr. WITTMAN. General Amos.

General AMOS. Congressman, this may sound, I guess, trite, but, really, the backbone, I think, for all our Services—and I can speak for ours—is that it really is leadership. So we are not putting additional training, additional hours of training, once we get past or get through and complete the Tier 3 specific kind of training, because our leadership is going on 12 months a year every week with our young marines. So it is face-to-face, there is, “How are we doing?” That is when we will get a real sense that, what are the real issues that may come out of this?

We can probably expect there will be some. I can’t anticipate what they will be. I don’t want to be naive about it, and I want to manage some expectations here. But, conversely, I am absolutely confident that good order and discipline, standards of conduct, those things are the hallmark of all our Services will prevail at the end of the day.

And that is the part that will make sense to our young men and women. It is not, okay, we are going to go another 30 hours of this kind of instruction, or every year we are going to hit the refresh button and do this. It will be that constant, persistent leadership by our NCOs [Noncommissioned Officers] and our staff NCOs and our officers. And that will be our metric. We will get that feedback, and we will work our way through that.

Admiral ROUGHEAD. Thank you, Congressman.

We monitor readiness and all of the components of readiness continuously, and all of the factors that are involved. And we look at how we are constantly making those improvements. So the visibility that we are going to have on readiness I think will be very good.

I think it is also telling that, in the survey itself, in those units where members served with gay and lesbian sailors, that they rated the unit readiness either well or very well.

So I think that our observation of readiness, the factors, the elements of tone of the force that we pay attention to will be clear indicators of where we are.

Mr. WITTMAN. My time is running out, but I did want to emphasize how important readiness is in our role here in oversight to make sure that, in no way, shape, or form, in any respect, is readiness to be sacrificed with the implementation of this policy.

With that, I yield back, Mr. Chairman. Thank you.

The CHAIRMAN. Thank you.

Mrs. Davis.

Mrs. DAVIS. Thank you, Mr. Chairman.

And thank you all for being here. I certainly apologize for the time. I know that you are all extremely busy, and we respect greatly what you do and respect your professionalism.

I wanted to also express my condolences to General Casey and certainly his family. And I also wanted to acknowledge—I know he had been here just a little while ago, and we acknowledged the fact that that might be his last hearing.

And thank you, General Chiarelli, for being here, as well.

But I know that, as we look at the timelines that we are working with on Don’t Ask, Don’t Tell after the training and the opportunity to move toward implementation, I wondered if you could just comment, General, to General Casey’s comment, I think, to the

chairman that the force would be about half-trained before the time to actually certify.

And I wonder whether General Dempsey has been involved in this process and the current training agenda and whether you think that he is up to speed on the process. And do you see any changes in terms of trying to conclude the training of the Army, which we know is taking longer just by virtue of the numbers?

General CHIARELLI. As you mentioned, General Casey did say, ma'am, that he felt that he would be able to certify on or about—on or around the 15th of May, based on having trained 50 percent of the force. And I think his reasoning is the fact that we have commanders doing it. And we really feel that commanders, because they are doing the training, are going to pick up on any issues that we might have.

And the session that I had last Friday was the first in trying to get any feedback. Now we will be going heavy into the Tier 3 training.

I can't tell you whether General Dempsey will, in fact, feel the same, but he has been involved in the training, as the TRADOC [United States Army Training and Doctrine Command] commander, prior to confirmation. And I have no reason to believe that—if it is adjusted, I have no reason to believe it would be much longer than what General Casey felt.

Mrs. DAVIS. Thank you.

I know that, initially, the directive and, certainly, the law was to be certain that the President, the Secretary of Defense, and the chairman of the Joint Chiefs would be able to make that certification, everything being equal, that the process had moved forward and there was a belief that, in fact, readiness and the host of other criteria were being managed well. And, at the same time, there was some reluctance to, I think, move forward on the part of the members unless you had an opportunity to be here.

And I wanted to just be certain that there was no pressure, that there were no—you didn't feel that your voices were not being heard as we moved forward with this, and, in fact, when the actual certification was made, no matter what occurred, that, in fact, you would have the kind of input that would be required of all of you in your position. Is there any reason that people would have been concerned about that?

Admiral ROUGHEAD. No, ma'am. No pressure, no question that our voice will be heard, as we go through the training and engage routinely with the Secretary of Defense and the chairman on this. And I have no doubt whatsoever about that.

Mrs. DAVIS. Thank you.

General Amos.

General AMOS. Ma'am, I want to be really clear that we have had complete open communication opportunities with the chairman and with the Secretary of Defense. They value our opinion. And we talk about this pretty close to weekly, or at least every other week. We sit down and talk about it, and it is a very frank and honest discussion. So we will have plenty of opportunity between now and certification.

General SCHWARTZ. Ma'am, we will make a written input, I will, to the chairman on my recommendations to him. And I am sure

that my secretary will make a similar interaction with the Secretary of Defense.

Mrs. DAVIS. Uh-huh.

General CHIARELLI. And I know General Casey has mentioned to me several times the direct input that he has had often with both the chairman of the Joint Chiefs of Staff and the Secretary of Defense over this issue as they have met.

Mrs. DAVIS. Thank you.

I know that you responded earlier to the question about the implementation. Can I just ask you briefly, in the letter of the chairman to General Casey, he mentioned that it had been stated that the general felt that implementation would be more difficult than what the Pentagon's survey would suggest.

Is it going to be more difficult? Is it going to be as expected? Less difficult? How would you characterize that?

General CHIARELLI. Well, it is always difficult when you are working with a force of 1.1 million, with the large Reserve Component that we have, and the fact that they only meet 3 days a week, if not deployed, and with soldiers moving in and out of theater—that is the difficulty in working through that. And add that to the fact that, some concern with combat arms officers and soldiers in the survey indicated that they had more concern than others.

But what we feel good about, at least at the beginning, is that the training package is a quality training package that, at least with early results, seems to be mitigating some of that concern.

Mr. WILSON. [Presiding.] Thank you, Mrs. Davis.

And thank you, General.

Congressman Allen West of Florida.

Mr. WEST. Thank you, Mr. Chairman, Mr. Ranking Member, and to all the great soldiers, sailors, airmen, marines. And I just want to thank you for your service and thank you for the people that you represent here.

And I will be very upfront and honest. I mean, this is going to be implemented. I don't think that we need to sit up here and banter back and forth about what is going to happen, because, you all being great leaders, you will take the guidance that has been given to you and you will make sure that it happens, the same as I did when I was in the military.

But, you know, once again, my concern is very simple. The military exists to win the Nation's wars. And I think that when we get to the point where we are starting to discuss about how the military conforms to accommodating individual behavior, that is what I get concerned with.

Because, General Chiarelli, if I am not wrong, I think we still do have a height standard to be a member of the "Old Guard," the Third Infantry Regiment, if I am correct?

General CHIARELLI. I didn't get—what standard, sir?

Mr. WEST. A height standard.

General CHIARELLI. Height standard? Yes, we do.

Mr. WEST. Absolutely. So even though I was a pretty strapped soldier, I am 5'9", I was a shorty, and so I never could get into that unit.

General Amos, without a doubt, I think the Marines still do have PFTs [physical fitness test], correct?

General AMOS. Congressman, we absolutely do.

Mr. WEST. And if there was a great Marine that is serving well but if he cannot pass that PFT and he has a problem with weight, we still separate that marine, correct?

General AMOS. That is absolutely correct.

Mr. WEST. And, you know, General Schwartz, I am sure that when we look at a commanding officer out there in your force, if a commanding officer has a DUI [Driving Under the Influence], chances are that is going to put his career at risk, am I correct?

General SCHWARTZ. In all likelihood, it would, sir.

Mr. WEST. So my point is this: You know, the United States military is a military of standards, and it is a military of standards that are somewhat different from the civilian world. And as we go forward—this is me kind of getting on my pulpit—I think what the people on this side and the people in the administration need to understand is that we are different. We have haircut standards. Now, I am sure a person with a ponytail could go out there and maybe they could serve just as well, but that is not part of who we are and that is not part of our standards.

So I think that the most important thing is, us on this side must understand that we must set the military up for success. My worry is, when I think about the Major Nidal Hasan case, where we had subordinate leaders who were concerned about political correctness and didn't report that situation up, I want to make sure that our subordinate leaders understand that, if they see problems with the implementation of this program, that they are not afraid of retribution from special-interest civilian groups that will cause them to exacerbate what could be a dangerous situation.

So, with that being said, I yield back, Mr. Chairman.

Mr. WILSON. Thank you, Congressman West.

At this time, Ms. Pingree of Maine.

Ms. PINGREE. Thank you very much, Mr. Chair.

And thank you all for the service that you give to our country, for being here with us today, for your patience in waiting for us to come back. I appreciate that.

I, personally, am a longtime supporter of the repeal of Don't Ask, Don't Tell, so I am very pleased to hear your positive comments, to hear what I think many of us believed would happen, was that our military would be ready to do this, it be would fully prepared, and that people would be handling it well. So I am glad to hear many of your positive remarks and the fact that all of you are working hard to implement this.

Last week, in the Military Personnel Subcommittee, we were able to hear from Dr. Stanley, who I thought gave wonderful testimony about the implementation process that we are in, and talked a little bit about how this has, frankly, cost around \$10,000. And that is a big contrast to what many people estimate, between 2004 and 2009, the cost of \$193 million to discharge members of the military, who were highly trained, served their country well, and I don't believe we could afford to lose them.

I have a slightly different question. And while I am very pleased to hear so much positive coming out of this process that we are going through, I have had one early, isolated report of a training session where the educator—the education and training of open

service was mocked and disparaged by the commander. I know those are isolated reports, but I am interested to hear your comments on them. When we hear about them, should we report them back to all of you or to Dr. Stanley?

And I guess I would ask you if you have any concerns about the idea that a commander who may mock the training or wink or nod or, you know, show something that is slightly disparaging may encounter future problems when we are in the serious implementation of open service.

I do believe these are isolated, and I know you have all said very positive things. But when we hear those things, isolated as they are, I am just interested in your take on them, how they are being handled, and, frankly, what we should do and how we should convey it when we hear that.

Any of you.

General CHIARELLI. I have had one incident that has been reported to me of three senior officers engaging in such activity. I will tell you, it was immediately reported by their superior, and proper action is being taken, like it would be in any situation where something like that happens.

Ms. PINGREE. Thank you.

Admiral ROUGHEAD. In our case, ma'am, as we do the training, there are opportunities for those who participate in training to comment on the effectiveness of that training. And it also allows us to measure retention of certain elements of the training that we provided.

So there is ample feedback on our Web site that deals with the topic. There are opportunities for individuals to post comments, to post questions.

So we have good visibility that is not in a filtered process but one that I think is quite open and allows us to get a sense of the tone of the training and the receptivity of the training.

Ms. PINGREE. Great.

And let me just say before the rest of you answer, thank you, Admiral Roughead. And I know we are looking forward to launching another good Navy ship from the Bath Iron Works, I think in May or June, and we are excited about that.

Admiral ROUGHEAD. It is May, ma'am.

Ms. PINGREE. Thank you. We are anxious to have that happen.

General AMOS. Congresswoman, we have not had any reports that have come up to me. And if any Member of Congress were ever to get that, I would certainly want to know about it, because it really violates the very premise of marines will get in step and do it smartly and follow orders. And this is about obeying our Nation's laws, and so we would take that very, very seriously.

We have worked pretty—in fact, have worked very hard to make sure everybody understands that we follow the law in the Marine Corps. And so, as Admiral Roughead has described, we have these open forums and discussion.

Now, I will tell you, I have asked for feedback out of these things from the commanders. And it will be consistent between now and the time that I recommend that the Marine Corps is ready to go or not ready to go to the chairman.

And I would say the clear majority of it is very positive, but there are questions about billeting, there are questions about policy changes, there are questions about base housing, there are questions about gang showers. I mean, these come up in the discussions, but that is healthy.

And I have not heard of a commander—but we have 202,000 Marines on Active Duty and 39,600 Reserve. It would be unrealistic to think that there is not a salty individual or two out there that is probably going to turn askance at this. And we will deal with that at the time.

Ms. PINGREE. Thank you.

General SCHWARTZ. And I would just amplify what General Amos said. This is about the Constitution and our oath to it, and we are loyal. And if you have information about an airman that is not on board, I would appreciate knowing about it, ma'am.

Ms. PINGREE. Right. Well, I appreciate your comments, and I thank you for your hard work to make this work.

I yield back.

Mr. WILSON. Next, we proceed to Congresswoman Vicki Hartzler of Missouri.

Mrs. HARTZLER. Thank you, Mr. Chairman.

First, I just would like to ask—I am very concerned with what I am hearing today, that we are going to expose our troops to moderate risk. And General Casey said it is another level of stress, it is more complicated.

I just want to know, I guess, from each of you, when have you suggested a change in policy before that would put our men and women at moderate risk?

Start with you.

General CHIARELLI. Well, I believe General Casey indicated that he felt that the report characterized it at less risk than he felt, given the fact we are an army that had been fighting for 10 years in both Iraq and Afghanistan. And he rated it as moderate risk.

However, we have not completed enough of our training for him at this time to say it is not still moderate risk. But, at the same time, we have put together a very, very good, good training package that emphasizes our role as professional soldiers that we believe is going to mitigate that risk and drive it down.

Mrs. HARTZLER. Have you been involved in recommending a policy, though, where there was a moderate risk before? That was the question. Have you done that yet, at some other time in your career?

Yes, General, go ahead.

General SCHWARTZ. Ma'am, I would say yes, and I would say it is going to war places the force at at least moderate risk.

Mrs. HARTZLER. Uh-huh.

General Amos.

General AMOS. Yes, ma'am. When you put someone's life at risk in an operation, it is oftentimes heavy risk—high risk.

Mrs. HARTZLER. Sure.

Admiral ROUGHEAD. And, ma'am, what we do is inherently dangerous.

Mrs. HARTZLER. Right.

Admiral ROUGHEAD. Whether it is flying from the deck of an aircraft carrier, running a nuclear-powered submarine at 800 feet under the sea, it is inherently dangerous, and we know how to manage the risk.

That said, for the process we are going through, I am very comfortable with where we are.

Mrs. HARTZLER. Okay. Well, I think there is a difference, though. I mean, war is risk, I mean, obviously. But this is a change in policy that is going to add a moderate risk onto the already inherent risk of war. We are at war at two levels, and maybe three if you call Libya. We have men and women in harm's way. We are at war as a country. And yet we are talking about one of the most monumental changes of policy that this country has ever faced in its military forces.

And I just want to speak from my heart to each one of you. I have the utmost respect for you. And I appreciate what you are doing to lead our forces and to keep our country safe. And there is no higher respect that I have for you.

But I want to challenge you, that you are the last force to be able to stop this onerous policy. And I have to believe from my heart, in your gut, you know this is not the right thing. I appreciate that you follow command, you follow the Constitution, and you are fulfilling what you are charged to do. But there is an opportunity to not certify this. And it has fallen upon you, at this time in history, to be able to give the final say to the Secretary of Defense and to Admiral Mullen whether you, in your right mind, in your heart of hearts, in your professional career, you believe this is going to help improve our forces from this time on out and help us win wars.

And I would ask you to consider this and to stand strong, like you stand strong against other forces, foreign and domestic, that have come upon our country, and that you would not certify this. And, with that, I am going to get into some specific questions, but that is an appeal I hope you will think about in the privacy of your own home, in your own heart, before you do this. Because you can stop it still, and not do something just for political correctness.

But regarding chaplains, will chaplains face career penalties if they defer performing same-sex marriage to someone else?

Any of you.

General SCHWARTZ. No, ma'am. We expect our chaplains to minister to all, but, in those activities that are specific to denominations, they can practice as they see fit.

Mrs. HARTZLER. Does that hold true for ministry assistants and having to hire them who openly engage in homosexual behavior, or suffer career penalties for failing to do so?

General SCHWARTZ. Again, we have not experienced any of the ecclesiastical agencies withdrawing their endorsement of their chaplaincies. And so, to date, that has not been an issue, ma'am.

Mrs. HARTZLER. Okay. Our time is up, but I appreciate your consideration. And, once again, I respect what you are doing, and we are counting on you. Thank you.

Mr. WILSON. Thank you, Ms. Hartzler.

We now proceed to Mr. Bill Owens of New York.

Mr. OWENS. Thank you, Mr. Chairman.

As a former JAG [Judge Advocate General] officer, I want to know if you are comfortable both with the status of the UCMJ [Uniform Code of Military Justice] as well as your regulations for handling the implementation and, as I think you expressed before, the ability of the chain of command to process and handle complaints and deviations from military standards.

I would ask that of each of you.

Admiral ROUGHEAD. I am comfortable with that, yes, sir. I mean, we deal with adherence to standards every day throughout our military, and nothing will change in that regard.

Mr. OWENS. Thank you.

General CHIARELLI. It is our belief that commanders have sufficient tools to address conduct that violates good order and discipline. We certainly support the recommendations included in the CRWG [Comprehensive Review Working Group] report to modify the UCMJ but consider that mostly housecleaning, at this particular point in time, and that we have what we need now to move toward implementation.

Mr. OWENS. Thank you.

General AMOS. Congressman, I believe that what we have in place currently is more than adequate standards of conduct for us. In all the things that we have kind of thought through the implementation process, quite honestly, the UCMJ, the authorities, and that was something that was probably the least of our concerns and that we believe the current standards of conduct that are in place are more than adequate.

Mr. OWENS. Thank you.

General SCHWARTZ. There are 63 Air Force instructions that deal with this issue either tangentially or centrally, sir. Out of that, there are 27 that require some changes given the change in policy, 16 of which are relatively minor and will be done and ready to promulgate shortly. There are 11 which require more work, and that will take a couple more months to put together. But they will be ready to roll out at the time when, and if, the chairman, Secretary, and the President certify.

Mr. OWENS. Thank you.

Are the Services, at a joint level, doing an overall or combined plan for implementation? Or is this being done by the individual Service without any type of coordination?

Admiral ROUGHEAD. Congressman, we are responsible and accountable for training our own Service. The nature of the training, the way it has been constructed and coordinated has been done among the Services as we go forward together.

But the best accountability, in my belief, is through the Services so that we can account for the training, that we can get the feedback that we need. But it has been something that has been well-coordinated.

General AMOS. Congressman, all through the summer, while the surveys were taking place last spring and summer and fall, part of the effort of the comprehensive working group was the implementation portion of this, looking at policies and training and everything else. They have developed, with all the Services—we all had representatives on that effort—a very comprehensive training package that addresses, really, the 99 percentile of the issues and

those significant things that we have to look at with regards to training and issues.

So each Service, then, was told we will use that as the framework and the backbone, and then we will impart our own culture, our own Service culture. By that, I mean we don't change the nature, but for the Marines we get down and dirty, look them in the eye, and go, "Okay, pay very close attention to me. We are going to have a discussion about this." I mean, that is the culture part, but the framework is the same among all the Services.

Mr. OWENS. Thank you.

General SCHWARTZ. Sir, I think we are executing in our Service lane, but you can tell there is a high degree of coordination at every level.

The one exception might be joint entities, where we have a mix of Army, Navy, Air Force, Marines, and so on. And, in those cases, the individuals are getting their training from their senior Service leadership in the commands.

Mr. OWENS. Thank you very much.

I have great faith that you will implement this and make a certification decision, or advise senior leadership of the certification decision that you think is in the best interest of accomplishing the mission.

Thank you, and I yield back.

Mr. WILSON. Ms. Martha Roby of Alabama.

Mrs. ROBY. Well, good afternoon. And I certainly thank you, Mr. Chairman.

And I appreciate your patience with us this afternoon. So thank you all for being here and for what you do for our country.

And I know you talked a little bit, there was a lengthy question about readiness and the effects of the implementation. But I wanted to ask you just very directly and simply how each of you would feel about the implementation of this repeal. How would it improve the standards of our military effectiveness, unit cohesion, recruiting and retention for our military?

General AMOS. Ma'am, I can't tell you at this point that it will improve it. We don't know yet. We are—the law has not been repealed. We are in the implementation phase right now, so we are in the training and education portion of this. So we can't say one way or the other.

I think that is something that will happen probably a year or two later. In other words, you will get a sense within—in my community, we will get a sense within probably 6 months to 12 months what the impact is on retention.

We have not seen any impact on retention, we have not seen any impact on recruiting right now while we are in the signed law implementation phase. But will it improve recruiting and retention and combat effectiveness? I can't address that right now because I don't know.

Mrs. ROBY. Well, just to follow up with that, General, one of our members actually referenced to me a letter that was received from a marine, specifically discussing resignation in light of this repeal.

And so I guess I could further my question and say, do you know specifically that there have been resignations throughout our military as it relates to this repeal?

General AMOS. I would suspect, out of 202,000 Marines, that there will be some marines that will step forward, they will turn letters in, they will talk to their Congressman, they will write articles in the press. But because they say they want to resign, there is—constitutionally, they stepped up and joined the Marine Corps. So the fact that they are uncomfortable at this point or the fact that they want to resign doesn't necessarily mean they are going to be allowed to resign. They have a commitment to our Nation, the same as any other service man or woman has.

So I don't know of a specific one, but I would be the most surprised person if there weren't a couple out there that said, "I am going to resign." Doing that and actually following through are two different things.

Mrs. ROBY. Yes, sir.

General SCHWARTZ. Ma'am, I would just say that, you know, our experience so far hasn't—we haven't accumulated enough data points to sort of make a judgment.

But I would say that, conceptually, you can argue that there might well be improvements at some point because fewer people leave the Service and so on. And, ideally, that is the right people who stay.

But I think, at this point in time, it is premature to make a judgment.

Admiral ROUGHEAD. Ma'am, I would say one of the biggest challenges that we face today is too many people want to stay in the Navy, and that that has not changed as a result of the process that we are going through. In fact, it is just becoming more pressurized for people who want to stay or who even want to come in. And you can debate the reasons as to why. But this has not, in any way, shape, or form, changed that dynamic that we are dealing with.

I do think that one of the things that will be true once this is implemented is that we won't have sailors who, because of orientation, are always looking over their shoulder.

General CHIARELLI. I would only echo what the other chiefs have all said. It is too early to tell, but we have seen nothing that would indicate, so far, that there will be any more individuals who indicate a desire to leave than there would be with any other policy that possibly could be changed.

Again, we feel very, very good, so far, at really not hearing a lot of that. We have not heard those reports except—I mean, in an organization of 1.1 million, again, there are, no doubt, going to be a few.

Mrs. ROBY. Yes, sir. Thank you so much.

Mr. Chairman, my time is almost up. I yield back.

The CHAIRMAN. Thank you.

Mr. Ryan.

Mr. RYAN. Thank you, Mr. Chairman.

And, again, thank you for accommodating our schedule today. And I think this is obviously an important issue, and I want to thank all of you for your thoughtfulness in not only your remarks today but throughout this entire process. I want to say thank you.

This is something that I think has been a long time coming for our country. A lot of the issues that we talk about as a country, that we fight about as a country are the issues of freedom and lib-

erty. And we hear the words thrown around a lot. And I think the implementation of this policy is an opportunity for us to create that more perfect union here in the United States and allowing free American citizens to serve their country in whatever way they see fit. So I want to thank you for that.

And, really, just mention a couple stories here, Mr. Chairman, from back in Ohio, because we have gotten a lot into the logistics here today, and I think it is important that we recognize that these are real folks that want to serve our country.

We have someone back in Ohio, former Air Force Major General Mike Almy, native of Dayton, Ohio, who was a gay soldier who was discharged under Don't Ask, Don't Tell. A 13-year veteran of the Air Force kicked out of the armed services after his superiors investigated his personal e-mails and found the correspondence between he and his partner.

Patrick Moloughney, Cincinnati, Ohio, a ROTC [Reserve Officer Training Corps] student outed shortly before graduation and discharged, still wants to serve, still wants to come back and serve his country.

Brian Endicott from Columbus, Ohio, joined the Army in 1992 when then-candidate Clinton talked about the promise then to ban from the Service. When Don't Ask, Don't Tell was implemented, he opted not to re-enlist.

And then, lastly, Josh Kreais served a full term as a combat medic in Iraq. After returning, he was discovered by someone who had unauthorized access to his e-mail; another soldier got his password somehow. He was brought up on discharge proceedings, but those proceedings were put on hold until he served a second full term in Iraq, and he was discharged shortly after he returned. And he is from Upper Sandusky in Ohio.

So these are real people who want to serve our country that are talented.

So, again, I want to just say thank you, and ask one quick question. And I apologize if I missed in the transition if this question has already been asked. But how soon after certification will former service members who wish to return to service be allowed to begin the process? Some former service members approaching 40 are worried that they will age out before the process begins.

General AMOS. Congressman, in the case of the Marine Corps, once certification is done and the law—it is 60 days later the law becomes effective. Then, in the case of the Marine Corps, those that have been discharged in the past—and we have had about 1,400 Marines since 1993 that have been discharged for homosexuality—can apply.

And what they will do, they will go to a prior-service recruiter, and they will apply just like anybody else that has left the Marine Corps with an honorable discharge, come back in, and if their skill sets and their age and they meet all the requirements and there is a need, then they will be allowed to come back on Active Duty. But they will fall in the competition with everybody else that has gotten out and have come back as a prior-service marine.

Mr. RYAN. The same.

General CHIARELLI. Same for the Army. Exactly as General Amos laid it out. And, quite frankly, this is something going on all

the time in the Army with soldiers who have left, for whatever the reason might be, many of them petition to come back in.

Mr. RYAN. Great. My time is winding down here. Thank you so much. Again, this is a long time coming. And we appreciate your help in the training and implementation of this. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Wilson.

Mr. WILSON. Thank you, Mr. Chairman.

And thank you for being here today.

General Chiarelli, my sympathy to the Casey family. We certainly have just the highest regard for General George Casey and his service.

As we are proceeding, I share the concerns of Chairman Buck McKeon that there were hasty decisions made in December in regard to passage of this law. In fact, it really is bizarre. It was a lame-duck session of defeated Members of Congress who have made this change in the law.

Normally, you would think of a representative democracy that people would be representing their people. But these were people who had actually been rejected by the voters of the United States, and then they changed this law. I find that just really undemocratic. It is also shocking to me that these are the same people who did not pass a budget. And that is what we are facing today.

But it is amazing that they could have made such a decision. And that makes it even more important as to the certification effort that every effort is made to look into morale, unit cohesion, good order, discipline, recruiting and retention, and combat readiness. Because Members of Congress, defeated ones, did not look at that. And didn't care.

It is my view in my 31 years of service that extraordinary surveys—anonymous surveys so that people could speak freely—are really very helpful. Will there be any surveys as you are considering the certification process of members of the military?

General SCHWARTZ. Sir, not surveys in the context of what was performed last fall, but certainly there will be an aggregation of information through the command chains and other normal reporting mechanisms to give us the information, the situational awareness we need to make the recommendation, in our case, to the chairman. And just to address what Congresswoman Hartzler indicated earlier, you can rest assured that each one of us will give our best military advice to the Chairman of the Joint Chiefs.

General AMOS. Congressman, in our case, I have the objective criteria which we talked about earlier on, Tier 1, Tier 2, and Tier 3 training. That will be complete.

The subjective part for us will be command climate surveys, which is a formal survey. It is not a jump on a blog site kind of survey, but it is a real—we bring trained people in; we do a command climate survey. And then we have our retention surveys, our early retention surveys that we do. Those are all fixed things that we do. We will also have the input from the commanders.

So there are surveys. It is not a specific one to deal with this. But it will talk about marines, how they are feeling about staying on Active Duty in the Marine Corps, how is the climate in their command, which are things I am very concerned about and that to

your point about retention and combat effectiveness and unit cohesion.

Admiral ROUGHEAD. Congressman, I would say that we make several changes in the Navy from time to time on policies and other issues. I will tell you that at no time have I seen the continuous feedback, the continuous assessment on the part of the training that is going on to the degree that we are doing here. So I do believe that the pulse of the force is going to be monitored throughout this in ways that we have never done before.

General CHIARELLI. I can only echo that.

And with your experience in the United States Army, Congressman, you know that commanders are best suited to be able to tell whether a change in policy is going to have an effect on any of the things that you mentioned. And that is why we have put it four-square on their shoulders to be the one that conducts the training and get the feedback from their units and soldiers.

Mr. WILSON. I appreciate your statements. I am also concerned about First Amendment rights of chaplains. Will there be guidelines for chaplains as to how they conduct themselves and their ability to comment on this policy?

Admiral ROUGHEAD. Yes, sir.

In fact, chaplains are part of the Tier 1 training, very focused on that. The Chief of Chaplains was involved in the development of that training. The rights of not just chaplains but all of our sailors to practice the tenets of their belief is unaffected.

Mr. WILSON. There will be not be retaliation against those who may disagree with the policy in expressing their point of view?

Admiral ROUGHEAD. I believe that those who have moral objections and find that it is a challenge for them because of their beliefs, those beliefs can be expressed.

That said, any expression of that that goes beyond the norms of the normal decency and respect that we have for one another, that is a line that I think could be crossed. But their ability to deal with their religious beliefs, to discuss those beliefs, to seek guidance from our chaplain corps will be unaffected.

Mr. WILSON. Thank you.

The CHAIRMAN. Thank you.

Mr. Reyes.

Mr. REYES. Thank you, Mr. Chairman.

Gentlemen, thank you, both for being here and your patience and also for your service. I don't have any doubts that the results that you see, you will report accordingly. So I really don't have any questions, except to tell you how much we appreciate the work that you have done and the work that you are doing. Thank you.

I yield back, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Hunter.

Mr. HUNTER. Thank you, Mr. Chairman.

And to all of you, thank you so much for basically being the custodians and guardians of our young men and women who volunteer to serve and whose parents trust you with their lives and livelihoods.

The first question for everybody is, basically, I would like to know how the repeal increases combat effectiveness.

General CHIARELLI. As I mentioned earlier, we don't know exactly yet how it is going to. But I would argue that if we are able to—if the decision is made to repeal and certification does take place, as we work this over time, inclusive organizations are usually the best kinds of organizations. And we will look at that and the ability to ensure that soldiers are able to stay in critical MOS's [military occupational specialties] longer as possible areas where it could improve readiness.

Admiral ROUGHEAD. I think that one of the things that is important, as you so well know because of your service, Congressman, is the integrity and the belief that people can have in being frank and honest and open. I believe that that now becomes part of our force in a way that it has not been. I also would echo what General Chiarelli said, in that there are some talented people who have left the Navy because of this.

Mr. HUNTER. Specifically, combat arms. Do you think the Navy SEALs' [Sea, Air, and Land Teams'] combat effectiveness will increase after the repeal and different Special Forces Task Forces that fall under the Navy?

Admiral ROUGHEAD. I think that across the Navy when—often-times, people talk about the combat arms, and that really conjures up the ground force. But I would submit that those who serve in our submarines, who serve in our airplanes, are as much of a combat arm as anything that we have.

Mr. HUNTER. Do you think it will increase the effectiveness?

Admiral ROUGHEAD. I believe that we will see great young sailors, who perhaps otherwise would not serve, will be able to serve. And to quote an anecdote from some of the surveys that was done with regard to one of our Navy SEALs, a comment was made: He's big, he's bad, he kills a lot of bad guys. And, oh, by the way, he's gay. So I think that we will see good people serving, yes, sir.

General AMOS. Congressman, too soon for me to tell.

I think the one thing that will happen, some of this will be a little bit evolutionary. It will become revealing over time. But I am not in a position right now where I can comment on, will it increase combat effectiveness?

I think it will increase peace of mind for a portion of our Marine Corps that is gay and lesbian. They have been there since 1993 when the law was in there. I don't know how many of them are. My suspicions are the numbers are probably pretty small. But we know that they are there. I don't know who they are. And I don't care at this point. But my sense for them, there will be a peace of mind that they have been unable to have prior to this.

Have we lost high-quality folks with unique talents that were "onesie-tvosie"? I can't tell that. So, for me as a marine—as a commandant, it will be a while yet before I will be able to look back and say, our combat effectiveness has increased.

Mr. HUNTER. Thanks for your honesty and your blunt answer. General.

General SCHWARTZ. I agree with that.

Three things: Clearly, peace of mind. There is the potential for keeping people who otherwise might have to depart our Air Force. And it increases—potentially increases the recruiting pool. We shall see.

Mr. HUNTER. I think I heard that we don't know whether it will increase combat effectiveness or not yet. I think that was what everybody has agreed on.

The last question. I have only got a minute left. Say that you and your commanders on the ground for your combat units specifically, do not think that—let's be hypothetical, even I know we all hate that. In 6 months, the repeal happens but your commanders tell you that your combat units are not ready yet and you either don't make a recommendation at that point yet because you are not ready for the repeal, or you do and it is that we don't do it yet, that we need more training, we need more whatever. What would you do then if the implementation of the repeal is forced upon you? Do you have any recourse?

Admiral ROUGHEAD. Congressman, I would say that I am comfortable and confident in the voice that we have with regard to the assessment of where we are objectively and subjectively that when we make our recommendation with regard to where we are in training, how we believe this went, how we believe it has gone, do we have to circle back perhaps to emphasize some other points that need to be made that we may have identified as part of this feedback mechanism, I am confident that our recommendation will be heard.

Mr. HUNTER. And your recourse if it isn't? If you are not ready and the implementation is forced upon you.

Admiral ROUGHEAD. I am confident that the recommendation I make with regard to the readiness of the Navy will be a factor in whether or not we go forward as a force or not.

Mr. HUNTER. Is everybody comfortable with that?

General SCHWARTZ. I would only add: A very significant factor.

Mr. HUNTER. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Mr. Coffman.

Mr. COFFMAN. Thank you, Mr. Chairman.

I had asked for the Office of the Secretary of Defense for some additional questions on how this impacted—from the survey, as to drill down further as to how the survey impacted our ground combat arms elements of the United States Army and the United States Marine Corps, having served in both as a soldier in the U.S. Army infantry and as an infantry officer in the Marine Corps. I did get the raw data for the survey results of the specific questions I had. And it is amazing, when the Office of the Secretary of Defense has something that they want to get to me that they agree with me on, how quick they are.

But I believe that they intentionally delayed this. And it took them 2 months to give me the information that they had right on the top of their desk. And it is contained in this binder here.

In going through the raw data, what it showed to me is how flawed this survey was; that it was no more than a conclusion looking for a survey. And it is simply not legitimate. It is flawed. And I think this speaks to the lack of honesty in this process. But I just want to—and I am not going to put you in the middle of this because you are already in the middle of it, whether you want to be or not, but I just want to thank you not just for your service but

for making this work in terms of trying to mitigate whatever stresses this has on our forces. Because it really doesn't matter at the end of the day what you tell the Secretary of Defense or the Chairman of the Joint Chiefs of Staffs, they are political appointees. And we have a commander in chief who made this as a campaign promise, and they will follow through with that promise with him, there is no question in my mind.

I think I would only ask of you one thing, and that is my heart is with the infantry, both the Army and the Marine Corps. And I am very concerned. I think that there is a reason today why we don't have women serving in ground combat units where their primary mission is combat. And that is because we have chosen not to interject sexuality in those units to maintain unit cohesion. We are going to be interjecting sexuality in those units. And having served in combat with a ground combat team in conventional operations in the first Gulf War—I served in Iraq, but not in the infantry—but in the first Gulf War, where you went out and you stayed out—that young people, for young people, sexuality is an emotion that is very prominent in their lives.

So I just want you to I take extra caution in recognizing the differences in these ground combat units. Because as you look at the survey, the questions—because, obviously, it is a conclusion looking for a survey—are not geared to those units.

And so, again, I just want to thank you for your service and what you do. I know you are in a tough position, but I know you are going to do the best you can in what is not a military decision, at the end of the day. It is a political decision.

I yield back.

The CHAIRMAN. Thank you.

Mr. Palazzo.

Mr. PALAZZO. Thank you, Mr. Chairman.

Gentlemen, thank you all for being here today. Thank you for your service.

In a large sense, I guess I kind of feel like Sam Houston when he arrived on to the site of the Alamo and saw the destruction and the death, and he couldn't help his fellow Americans, Texans, Tennesseans, and so forth.

So I do have a few questions. I do think I share most of the views with the Republican members that this is a hasty policy. It was a policy that shouldn't have been passed in a lame duck session.

I kind of disagree with some comments that if soldiers who have enlisted or become commissioned officers under a certain thought that their military was a good military, a correct military, or just whatever they thought the military was when they joined, and this Congress comes and tinkers with it and they no longer see it being what they envisioned or what their grandfathers in the Pacific War envisioned it being, then I think we may need to provide them some relief to exit the military, because we don't want to hurt them on their way out. They have served honorably. So let's just please keep those considerations.

Because I have heard comments from high-ranking officials that, well, you know, they are just going to either accept it or they know what they can do. And I think that on its face is a disservice to the people who have sacrificed so much for so many people.

I would like to just address the survey real quick. How many people responded to the survey? If anybody has all the technical information, just feel free to input.

General SCHWARTZ. We can take that for the record. But for the Air Force, it was 117,000, or thereabouts.

Mr. PALAZZO. If you could say about how many responded and how much your total force, including Reserves.

General SCHWARTZ. It was a response rate slightly over 30 percent.

General AMOS. Congressman, I will also take that for the record to get you the precise numbers, but it was well over 40,000. And then there was spouses. Families members were also allowed. Three parts to the survey. Actually, four. One was the actual survey to the service members. The second one was the spousal survey. There was a blog site, kind of a free-for-all kind of thing. And there was another one. We will get you that information.

Admiral ROUGHEAD. Congressman, for the Navy, it was 28 percent of the Active Force, 33 percent of the Reserve Component, which is very consistent with the normal response rates on all the instruments that we use to make significant decisions in the Navy.

General CHIARELLI. For the Army, I will take that for the record, but I know it was under 30 percent of those who were surveyed, and it was higher in the Reserve Components than it was in the Active Component force. I will get you the exact numbers, Congressman.

[The information referred to can be found in the Appendix on page 63.]

Mr. PALAZZO. I appreciate that.

Of course, that brought so many other questions in my mind right now. Why do you think the number was so low? And before—I would like to inject some comments with that. From what I have seen in my service is that two things were taking place. One, they didn't believe it was an anonymous survey. They thought their IP [Internet Provider], their computer, their CAC card [Common Access Card], however, their AKO [Army Knowledge Online] account, somebody out there was going to watch them, and they thought there was going to be—if they didn't agree with it, not that they are going to be on some list, but something out there.

Now that is just a perception. Typically, perception is reality in some things. And the second, they were scared. Well, that was—I already covered that.

They resigned. They were resigned because they saw the writing on the wall. And they saw the Democrats pushing this through in a lame-duck session. They saw the commitment from the President. And I think they also may have thought that the Joint Chiefs and others up top weren't going to have an honest discussion about this.

And I am just—these are feedbacks that I have gotten, because I have yet to find a soldier in the National Guard, Reserves, or when we took a tour on the Western bases with Chairman McKeon, anybody that is in support of repealing Don't Ask, Don't Tell. I just find it—it just makes me believe—A, the survey, I took it. I think it was very limited in its response. It was bogus. I hope, going forward, after you do your technical criteria—and I hope it is better

than some of the criteria we choose the recipients of military contracts—but it is a fair, honest discussion. And maybe we should have another survey, one that maybe this Congress, the 112th Congress can help draft, with your help, to ask some more direct questions to our men and women in uniform.

My time is coming close. If you want to comment for the record, please do so. And please don't—this isn't directed personally at you. I know you all—I have seen your bios. You are true, true American heroes. I don't envy you. Where Admiral Halsey and Chesty Puller and Patton and MacArthur are going to go down under different pretenses, I just hope your names aren't going to be going down related to the certification of this policy.

Please think long and hard. Please make sure that it is not going to affect our recruitment, our retention, our readiness. And please, and I am saying this—I just apologize to our veterans who have served before us, those who currently serving on Active Duty and the Reserves and those who have yet had the opportunity to serve because I don't think this is a good policy. Please take that into consideration. Thank you.

The CHAIRMAN. Mr. Rigell.

Mr. RIGELL. Thank you, Mr. Chairman.

I thank each of you have gentlemen for your patience with the testimony today. I had the privilege of being with our troops in Afghanistan just a couple of weeks ago.

They are first a reflection of their parents. And they are a great reflection of their American parents. But they are also a reflection of your leadership. They are well equipped, well led, and they are motivated. And they are doing everything that we are asking of them. I commend you for that.

I am here as a first-time elected official. I still own a business that I started, I had the privilege to start 20 years ago this month. I know over the course of that time and probably today, there are those serving with us in my company who are gay and lesbian. And I have never made any distinction. It just was completely irrelevant to me what their sexual orientation is.

Now I think the difference is and why I think that Don't Ask, Don't Tell was a reasonable, though imperfect, policy, was at the end of the day, you don't go home with your coworkers. There is a profound difference.

My military career is very limited; I am the first to say that. But I tell you, you go through Parris Island in 1978, and it is still this way today, I know, because my son went through and I went back in the barracks and you know, the showers are just about the size of an American garage. No stalls. It is done by design and I think with good purpose and good intent. It is just you literally lose your right to privacy. And you know that going in.

So given we are headed down this path, and if my time permits, I would like to talk about if this certification is truly a foregone conclusion. It sure seems like it. But if it is not, we can talk about that as well.

Commandant Amos, if you would, sir, I would appreciate, what guidance is given to like a platoon commander or platoon sergeant for those who have a genuine, genuine moral concern about very close—I am not talking about a widespread “I just can't work with

a person who is homosexual.” I, frankly, don’t have any tolerance for that. But when you get down to close berthing accommodations and those kind of things, where I think a reasonable person would say, you know, I can understand that is a genuinely held view, we are going to work with you on that.

Now it is my understanding, and I would like to be corrected today, but it is my understanding we are not going to make accommodations for those views. Could you clarify that for me?

General AMOS. Congressman, I would be happy to. The Marine Corps billets two by two, which means that we put two Marines in a room, shared head facility in between, and two marines on the other side. We are the only Service that has a waiver to do that. We do that for a specific reason—for unit cohesion, for we are a young force, as you know. We are the youngest of all the Services. So we have 18-, 19-year-olds in there, and we want—we breed the buddy system, and we breed that cohesive bonding. That is how we do business in the Marine Corps. So we are two by two.

Again, as I said earlier, without knowing the exact numbers, my suspicions are our numbers of gays and lesbians that are currently on Active Duty in the Marines, the numbers are reasonably small. There is no provision to build a separate barracks or have separate rooms for marines that are gay or lesbian. There is no intention to do that. I certainly have no intention to do that, nor can I afford it.

But I have confidence—and here is the guidance I have given my generals and my commanders, is that I expect the privacy and the rights of each marine to be honored with respect and dignity. I suspect that there are going to be issues when marines are allowed to come out in the open and declare themselves as openly gay. I don’t know how that is going to happen, but I suspect that when that happens, there will be some marines that will say, I don’t want to room with that marine. And that is why we have staff sergeants, platoon sergeants, and first lieutenants and company commanders. And they are going to look them in the eye, and they are going to resolve it at the lowest level. And it is the standard Marine Corps leadership. I am confident of that.

Mr. RIGELL. And the rights of the person asking for the accommodation to be moved, those rights will be respected as well, is that correct?

General AMOS. They will. Each case will be unique. Each case will be handled uniquely by that leader, and each case will, no doubt, be different. There may be a common thread, but the respect and rights of both marines will be honored.

Mr. RIGELL. Thank you.

General SCHWARTZ. The backdrop of this, at least for us, and I think for all of us, is that we are not trying to change anybody’s beliefs or their belief system. But we do and we will mandate a standard of conduct. And that is inviolate.

Mr. RIGELL. Thank you all for your testimony.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. FRANKS.

Mr. FRANKS. Well, thank you, Mr. Chairman.

Gentlemen, I am coming in here pretty late and I know you probably covered a lot of areas that I may be having some redundancy here. But first let me thank you for your service. I try to say every time when people, general officers and others of leadership in our Armed Forces come forward, we know that you have given profound sacrifice and time in your life for the cause of freedom. Those of us that talk about freedom are certainly very grateful for those of you that carry this burden. And I appreciate you very much.

When the debate was occurring on this issue, some of us tried to focus mostly on what was the impact on military readiness and the effect of our capability to fight and win wars. And some of the leadership of the Armed Services had asked us for a time to be able to study this issue and to be able to come back before the vote occurred to give us some at least insight as to whether or not this was a good policy or not.

Let me start by asking General Schwartz, if it is all right, I will aim at you first, sir. Did any efforts continue to go forward to ascertain the impact on military readiness of this policy? If so, are there any ongoing efforts like that, or any data collection, any things that you are studying now as leadership of the military to ascertain what is the actual impact of this on our readiness?

General SCHWARTZ. Congressman, we have routine measures and efforts underway to ascertain our unit readiness and so on for employment, for whatever the case may be. And that is continuing. And we monitor that routinely. I would simply say that we, all of us, are fundamentally concerned with our ability to execute and that none of us are inclined to endorse any approach that would somehow diminish that capability.

Mr. FRANKS. General Amos, do you have any thoughts there, sir?

General AMOS. Congressman, our training is intimate. It is personal both at the platoon level, the company level, and the battalion squadron level. We watch it very carefully. It is very structured. We know what our readiness is at any given time in preparation for deploying to combat. Most of our units are either in combat, have just come home and are resetting to go. So it is a personal matter; readiness and combat effectiveness is personal to our Marine leadership. And in that regard, we have not seen any drop in it. But, again, we are in the implementation stage right now. But my expectations are the truth of the matter is I don't think we are going to see a drop in it.

Mr. FRANKS. At this time, if you had to point to any one area—and I will throw it out to the panel—the most challenging area that you may have as a result of this policy, is there anything that just stands out in your mind?

Admiral ROUGHEAD. Congressman, I would say that we are training a very large force, and quite frankly, the responses that we are getting, the tone of the questions, the nature of the questions, are consistent with what we believed as we went forward. I think in the case of the Navy, there are questions such as issues of accommodation. But they are being answered by the training teams, and we are just going to work our way through those types of questions. And the tone—I place a great deal of emphasis on the tone of the force—remains very good as we go through this.

Mr. FRANKS. One last question. I know that the issue of the chaplaincies has already been broached at least once. Let me ask anyone here that would suggest or would be able to say, has there been any impact on the chaplaincies? Has there been any requirement as a result of this policy placed on chaplains that would be considered a change of policy, or have chaplains exhibited any sort of challenge with this policy in general?

I will start again, General Schwartz.

General SCHWARTZ. Not in the Air Force.

Mr. FRANKS. There is no indication chaplains have been required to adapt to this policy in any way, is that your testimony?

General SCHWARTZ. The chaplains—we haven't implemented—we haven't certified and we have not implemented the policy yet. But the fundamental part of this is twofold. One is that they minister to all airmen. And in those cases where they are performing the context of their faith and their denomination, that they do that consistent with their faith, however that may unfold. But in a broader sense, they minister to all airmen.

Mr. FRANKS. Thank you gentlemen very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

And again, thank you for your patience. I apologize for the interruption. That is one of the things that we have to do here, is vote. I encourage you to take into account all of the things that you have heard here today on all the various sides of the issue as you go forward in preparing yourself to train the forces to see that they are trained and to certify their readiness and the time that we will be ready to implement this.

Again, thank you very much for your service.

This committee stands adjourned.

[Whereupon, at 4:22 p.m., the committee was adjourned.]

A P P E N D I X

APRIL 7, 2011

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

APRIL 7, 2011

**Statement of Chairman Buck McKeon
Repeal of Law and Policies Governing Service by Openly Gay and
Lesbian Service Members
April 7, 2011**

Today the Committee will receive a status report on the process for repealing the law and changing the policies governing the service of openly gay and lesbian service members.

This past Fall, I was troubled by the process employed to set the stage for repeal of the law known as Don't Ask, Don't Tell. Following the December release of the Department of Defense report on the issues associated with repeal of Don't Ask, Don't Tell, there was none of the in-depth analysis that is so essential to sound decision making here in the House of Representatives.

As a result of the rush to judgment that bypassed this committee, Congress was denied the opportunity to ask questions and identify weaknesses in the repeal implementation plan. Now, we are confronted by an implementation process that is moving quickly to completion of the education and training phase.

Our primary interest today is to ensure that the senior leaders of each service have the opportunity to communicate their current views about implementation of repeal. Several of the service chiefs have expressed reservations about the timing and potential impacts of repeal during a hearing before the Senate Armed Services Committee and we want to understand if our military leaders remain concerned about the prospect of full repeal of the law.

For example, General Casey, Chief of Staff of the Army, indicated that the repeal was a 'major cultural and policy change' in the middle of war that would add stress and complications for combat units. He stated that he felt implementation would be more difficult than what the Pentagon's survey would suggest.

General Schwartz, Chief of Staff of the Air Force, recommended not carrying out any repeal until 2012 because of the strain of the high operations tempo on our forces. He stated, 'I do not agree with the study assessment that the short-term risk to military effectiveness is low.'

General Amos, Commandant of the Marine Corps, stated, '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.'

The one outcome that must be avoided is any course of action that would put the combat readiness of our military forces at risk.

Our witnesses today are the four leaders of our Armed Forces. General Chiarelli, we thank you for standing in for General Casey today. Please extend the heartfelt condolences from all the Members and staff of the Armed Services Committee to General Casey and his family on the passing of his grandson, Jackson Ryan Casey.

Admiral Roughead, you are moving closer to departure from your current position and may not have the opportunity to testify before the committee again. I want to express the collective thanks of all Members of the committee for your 38 years of service and our best wishes for the future.

Statement of Representative Adam Smith
Repeal of Law and Policies Governing Service by Openly Gay and
Lesbian Service Members
April 7, 2011

Mr. Chairman, after years of debate, and numerous studies, Congress established a process by which repeal of Don't Ask, Don't Tell could move forward. Under this process, the President, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff will certify to Congress that they have considered the recommendations of the Comprehensive Review report, and that the necessary policies and regulations are in place to support this change.

As part of the review, the Secretary and the Chairman have tasked the Services Chiefs to begin implementation of the policies and regulations, as well as prepare the forces for the change. Last week, the Subcommittee on Military Personnel heard from Dr. Stanley, the Under Secretary of Defense for Personnel and Readiness, and the Director of the Joint Staff Admiral Gortney that the Services have begun their tiered training and to-date no major issues have come up during this training.

Repealing "Don't Ask Don't Tell" has been studied for years and the message has been clear: allowing gays and lesbians to serve openly and honestly in our military will not undermine its effectiveness or put our troops in harms way. Gays and lesbians are currently serving in our Armed Forces, and we have the strongest military in the world. Driving thousands of qualified individuals out of our Armed Forces, under "Don't Ask, Don't Tell" undermines our military's effectiveness. It removes talented and experienced individuals who are only eager to serve their country from our ranks at a time when we desperately need them the most.

The major difference that will happen once the Don't Ask, Don't Tell policy and underlying law has ended is that individuals will not be forced out of the military—like the 162 service members that were discharged in fiscal year 2010 due solely to their sexual orientation. As members of the Armed Services Committee, it is important that we consider whether policies we advance make us safer. Does it make us safer to throw out thousands of service men and women who are serving our country, and serving well because of their sexual orientation? No.

I look forward to hearing from the Service Chiefs on how the training of the force has been going, particularly among our junior enlisted and officers; and whether they have any concerns with the ability to raise any issues or concerns that do arise up the chain of command to the Secretary and the Chairman of the Joint Chiefs.

The debate on whether to allow gays and lesbians to serve in uniform has ended. It is time to focus on preparing the force and ensuring that leadership, professionalism, and respect is the hallmark in how we treat all members of the Armed Forces.

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STATEMENT OF

ADMIRAL GARY ROUGHEAD

CHIEF OF NAVAL OPERATIONS

BEFORE THE

HOUSE ARMED SERVICES COMMITTEE

ON

THE REVIEW OF THE IMPLEMENTATION PLANS FOR THE REPEAL

OF

LAW AND POLICIES GOVERNING SERVICE BY

OPENLY GAY AND LESBIAN SERVICE MEMBERS

7 APRIL 2011

NOT FOR PUBLICATION
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HOUSE ARMED SERVICES COMMITTEE

Chairman McKeon, Representative Smith, and distinguished members of the committee, thank you for the opportunity to appear before you today to address how our Navy is preparing to implement the repeal of 10 U.S. Code 654.

I testified before the Senate Armed Services Committee in December that I supported repeal of 10 U.S. Code 654. The United States Navy can successfully implement a repeal of the law. Combat effectiveness is what we provide the nation and repeal will not change who we are or what we do. Your Navy will continue to be the professional, global, effective, and relevant force for the nation it has always been.

Although a specific date for repeal has not been set, we have begun the process for a prompt and thoughtful transition. We are preparing the necessary policies and regulations to implement this change in the law, and we are training our Sailors and leaders at all levels. Our training emphasizes the principles of leadership, professionalism, discipline, and respect, which I believe are key to successful implementation of a repeal of 10 U.S. Code 654. We are focusing on ensuring our Sailors understand what repeal means to them, their families, and the Navy, and that our standards of conduct and behavior will not be compromised.

We are carrying out our training using a tiered approach to ensure all Sailors receive the appropriate level of training. The foundation of our training across all tiers is a core training curriculum developed in coordination with the Office of the Secretary of Defense and our fellow services. Face-to-face instruction, augmented by situational vignettes and facilitated discussion, is our primary method of training. Where face-to-face instruction is not practicable, we are providing guided training via video conferencing (VTC) and Defense Connect Online (DCO), as well as e-learning options.

Tier 1 training includes specialized content tailored to experts who may deal more frequently with repeat issues, to include chaplains, judge advocates, public affairs officers, equal opportunity advisors, personnel specialists, military law enforcement, Fleet and Family Support Center personnel, senior human resource officers, and recruiters. As of 21 March, over 1,000 Tier 1 personnel, representing approximately seven percent of our total Tier 1 population, have been trained.

Tier 2 training is focused on preparing senior Navy leadership and command leaders to deliver training to their personnel. Seventeen master mobile training teams (MMTTs) are training command leaders in seventeen geographic regions within the United States and overseas. Once certified by these master trainers, command leaders will then deliver Tier 3 training to the personnel within their respective commands. As of 21 March, our MMTTs have delivered training to over 60 percent of Tier 2 leaders. Since we initiated Tier 2 training on 22 February, over 6,000 active and reserve military and Navy civilian leaders have received training.

Tier 3 training has commenced for all hands which includes the active force, reserve force, and our Navy civilians who supervise military personnel. To date, more than 16,000 personnel have already received Tier 3 training. I have established 1 July as Navy's goal for completing training, and we are on track to achieve this goal.

We are assessing training effectiveness through objective and subjective measures. We are accounting for the number of individuals and units that complete training through our Navy Family Accountability and Assessment System (NFAAS) to ensure there are no gaps in any major commands or regions. To measure retention of training content, we are administering knowledge-based tests to a representative sample of Sailors after completion of training. Our

training teams provide continuous feedback on questions and concerns that arise during training sessions. Sailors also have the opportunity to submit individual questions or feedback about their training experiences through our Don't Ask, Don't Tell repeal web site. Questions asked during the training sessions or submitted online are reviewed and responses are added to the "Frequently Asked Questions" section of the web site. Our command leadership teams continue to provide regular reports capturing the "tone of the force" during this training period. I am personally reviewing these reports on a bi-weekly basis. Feedback from our sailors indicates the training they are receiving is comprehensive, well-delivered, and effective. Additionally, we have not observed any impacts to readiness, effectiveness, cohesion, recruiting, or retention. I am confident that the training assessment measures we have put in place will provide me with the necessary information to assess Navy's readiness for repeal.

I continue to provide regular updates on our training progress to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff and remain personally engaged with them throughout this process. I am confident my assessment of Navy's readiness for repeal will be carefully considered during the certification process, and do not believe it is necessary to provide additional or separate input outside of this process.

I have the ultimate confidence that the men and women of the United States Navy, with their character, discipline, and decency, will successfully implement this change in the law. Navy leaders will continue to set a positive tone, create an inclusive and respectful work environment, and enforce our high standards of conduct throughout the Navy as we serve the nation. Our Sailors will continue to live by our core values of honor, courage, and commitment, which endure as the foundation of our great Navy.

Not public until released by the
House Armed Services Committee

STATEMENT OF
GENERAL JAMES F. AMOS
COMMANDANT OF THE MARINE CORPS
BEFORE
THE HOUSE ARMED SERVICES COMMITTEE
ON
REVIEW OF THE IMPLEMENTATION PLANS FOR REPEAL OF LAW
AND POLICIES GOVERNING SERVICE BY OPENLY GAY AND LESBIAN
SERVICE MEMBERS
April 7, 2011

Not public until released by the
House Armed Services Committee

The law signed by the President on December 22, 2010 established the conditions for the eventual repeal of Don't Ask, Don't Tell. The Marine Corps is working hard to meet the corresponding requirements, as are all the uniformed services. Once they are met, the required certification may be provided by the Chairman of the Joint Chiefs of Staff, the Secretary of Defense and the President to the Congressional committees. That certification will let Congress know that the conditions for repeal have been met by all the services.

Overall, Marine leaders at all levels are working faithfully in ensuring compliance with the spirit and intent of the new law. As such, the Marine Corps has taken the following significant actions in line with the direction of our civilian leaders.

After the House of Representatives and the Senate voted to repeal Title 10, US Code 654 in December 2010, I published the following to the entire Marine Corps, "As Marines, we abide by the laws of our nation, and will implement the new policy in accordance with specific directions and implementing guidance from our chain of command...Fidelity is the essence of who we are. Accordingly, we will faithfully execute this new law, and will continue to treat each other with dignity and respect."

While in Afghanistan over Christmas, Sergeant Major Kent and I spoke to more than 12,000 Marines and Sailors about the pending repeal and my expectations for successful implementation. Shortly after returning from Afghanistan, Sergeant Major Kent and I made a video for all Marines and their families to reinforce our message and to reach out to Marines in locations we could not personally visit.

The Marine Corps has closely followed the recommendations of the Comprehensive Review Working Group in developing and executing our implementation training. Some of the

very first Marines to receive this training were all of our three and four-star senior leaders in late January. On 7 February, the Marine Corps as a whole began its Corps-wide training.

Your Marines throughout the world are dutifully conducting this training. The Marine Corps is projected to complete all expert/special staff and leader training (Tier I and Tier II) by the end of March. As of today (March 29), our Tier III training is 32% complete. All training should be fully complete by 1 June; internet training may be used when absolutely necessary, but the majority of the training will be 'eyeball-to-eyeball.'

Successful implementation of this policy depends on leadership, professionalism, discipline and respect. Leaders at all levels of our Corps are setting the example and are fully committed to the sustainment of unit effectiveness, readiness and cohesion. In our profession of arms, adherence to standards of conduct is essential. Each service member must be treated with respect and dignity. Leadership is key to creating and sustaining an environment where the opportunity to contribute, achieve and advance is available to all.

Before making a final recommendation to the Chairman of the Joint Chiefs of Staff, the Secretary of Defense and the President regarding certification, I will use both objective and subjective measures to gauge the effectiveness of our training and our readiness to implement this new policy. Prior to recommending certification, the Marine Corps will have completed 100% of special staff and leader training and ~ 90% of our remaining Marines' training for both active and reserve components. While useful, objective measures alone are not sufficient to recommend certification. The Marine Corps will also use subjective tools to include Command Climate Surveys, Enlisted Retention Surveys and Inspector General Reports to measure training success. Additionally, I will rely heavily on feedback from Commanders throughout the Marine

Corps. Prior to recommending certification, I will confirm that all the conditions for certification have been met.

Your Marines will continue to faithfully abide by the laws of this nation and will conduct themselves in accordance with the intent of the new policy. While leadership is the ultimate key to successful implementation of the Don't Ask, Don't Tell repeal, our core values of honor, courage and commitment will guide us throughout training and implementation.

DEPARTMENT OF THE AIR FORCE
PRESENTATION TO THE COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES

SUBJECT: IMPLEMENTATION PLANS FOR THE REPEAL OF LAW AND
POLICIES GOVERNING SERVICE BY OPENLY GAY AND LESBIAN
SERVICE MEMBERS

STATEMENT OF: GENERAL NORTON SCHWARTZ
CHIEF OF STAFF OF THE AIR FORCE

APRIL 7, 2011

NOT FOR PUBLICATION UNTIL RELEASED
BY THE COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES

Air Force implementation of the repeal of 10 U.S.C. 654 (“Don’t Ask, Don’t Tell”) comprises two key components—necessary revisions to policies and regulations, and training of Airmen—to ensure that there is minimal impact to military readiness. We will rely on steady leadership at all levels to implement this change in a manner that is consistent with standards of military readiness and effectiveness, with minimal adverse affect on unit cohesion, recruiting, and retention in the Air Force.

Applicable policy directives will be updated and prepared for Presidential certification, and will be released no later than 60 days after certification. Until that time, current policies remain in effect and will be enforced uniformly. Overarching policy changes involve updates to accession processes, recruiting guidance, standards of conduct, and separation actions, and are the basis for our implementation training, which began on February 14, 2011, and will complete on or around June 30, 2011.

The Air Force is administering the Office of the Secretary Defense (OSD) standardized three-tiered training program, which was developed by the Services, in conjunction with the OSD repeal implementation team, to assist Air Force commanders and senior leaders with articulating consistent training themes. Tier 1 training will prepare functional experts—legal, medical support, clergy, personnel specialists, et al.—to help ensure that implementation is achieved responsibly, deliberately, and effectively. Tier 2 provides information for our senior leaders and commanders who ultimately will be responsible for implementation. Tier 3 provides training for the remainder of the uniformed force, emphasizing leadership, respect, professionalism, and discipline. Our preferred method of training is in-person; however, when face-to-face Tier 3 training is not feasible—for example, convalescent leave or deployment locations where interrupting the mission to conduct training may have adverse mission impact—commanders have discretion to use computer-based training or to schedule training upon return to garrison.

To date, we have trained approximately 15 percent of the force, and are on track to train the remainder within the projected training window. As training progresses, we will continue to report completion data to OSD twice a month. We will also provide OSD with subjective feedback pertaining to policy, readiness, military effectiveness, recruiting, retention, repeal-related incidents, barriers to implementation, and force-wide perspectives on implementation progress.

In the post-repeal environment, we will continue to monitor the effectiveness of our training. As recommended by the Comprehensive Review Working Group's support plan for implementation, existing processes for follow-on review and monitoring will be used to the maximum extent, in order to minimize possible disruption of the force resulting from the establishment of new, potentially burdensome reporting instruments. Therefore, to systematically analyze workforce climate and military effectiveness, our intent is to use existing Air Force assessment tools such as command climate surveys, the inspector general's command assessments, annual reports on sexual assault prevention and response, unit climate assessments, Air and Joint tasking surveys, annual retention surveys, and other existing mechanisms for feedback from the field.

The standards of conduct that we expect of all Airmen—entitling every Airman to dignity, respect, and equal opportunity—will not change. Guided by our core values of *Integrity, Service, and Excellence*, we will implement this policy change with the same professionalism that we demonstrate in all of our daily endeavors.

DOCUMENTS SUBMITTED FOR THE RECORD

APRIL 7, 2011

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ROBERT L. SIMMONS, R, STAFF DIRECTOR

April 4, 2011

General George W. Casey, Jr., USA
 Chief of Staff, United States Army
 200 Army Pentagon
 Washington, DC 20310-0200

Dear General Casey:

I understand that you will be unable to attend the House Armed Services Committee hearing on repeal of the Don't Ask, Don't Tell law. In that regard, I would like to extend the heartfelt condolences from the Members and staff of the committee to you and your family about the passing of your grandson, Jackson Ryan Casey.

In your absence, I would ask that you provide your personal and professional judgment in responding to the enclosed questions and that your responses become the basis of the oral testimony of General Chiarelli who will testify on your behalf. During testimony before the Senate, you had indicated that you were concerned that the repeal was a "major cultural and policy change" in the middle of war that would add stress and complications for combat units. You also stated that you felt implementation would be more difficult than what the Pentagon's survey would suggest. It is very important that the committee understand your current perspective to ensure that the military readiness of the Army is not put at risk.

Thank you for your kind attention to this matter during this difficult period.

Sincerely,



Howard P "Buck" McKeon
 Chairman

I am so sorry about your loss. You and your family are in our prayers.

HPM:jbw
 Enclosure

QUESTIONS FOR GENERAL CASEY**The Benefit of Repeal:**

- Aside from the ability of all members to serve with integrity as articulated by Admiral Mullen, how would implementation of repeal of Don't Ask, Don't Tell improve morale, unit cohesion, good order, discipline, recruiting and retention, and ultimately combat readiness in the military?

Education and Training:

I assume you will be involved in the process of advising the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff about whether they should proceed with certification.

- What are the objective and subjective criteria you will use to conclude that the education and training program associated with the repeal of Don't Ask, Don't Tell is (1) effective and (2) sufficiently complete to justify your recommendation that the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the President proceed with certification?
- What percentage of the force must be trained before you will be confident that repeal will be successful and certification the appropriate recommendation?

Personal Attitudes Concerning Risk to the Force:

General Casey, you had expressed reservations during testimony in the Senate about the central conclusion of the report of the DOD Comprehensive Review Working Group that the risk of repeal to overall "military effectiveness" was low. You noted that such a major cultural change during war would add stress to the mission of combat units.

- As you proceed with the education and training phase of the implementation plan, has your attitude changed and what is your current perspective about the risk to military effectiveness?

Preparation of the Force for Change:

You have now been engaged in the education and training process for about six weeks.

- Are you comfortable that the members of your force, both leaders and followers, have been armed with sufficient guidance that they will credibly cope with the array of questions that will follow implementation on conduct, billeting, privacy, and religious freedom?



UNITED STATES ARMY
THE CHIEF OF STAFF

The Honorable Howard "Buck" McKeon
Chairman
Armed Services Committee
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in response to the committee request that I provide my personal and professional judgment to five questions concerning the implementation of the repeal of the "Don't Ask Don't Tell" policy.

The Benefit of Repeal:

1. Aside from the ability of all members to serve with integrity as articulated by Admiral Mullen, how would implementation of repeal of Don't Ask, Don't Tell improve morale, unit cohesion, good order, discipline, recruiting and retention, and ultimately combat readiness in the military?

We are in the early stages of implementation, and I believe that it is too early to say what the impact on implementation of the repeal of DADT will have on our morale, unit cohesion, good order, discipline, recruiting and retention in the Army.

Education and Training:

2. What are the objective and subjective criteria you will use to conclude that the education and training program associated with the repeal of Don't Ask, Don't Tell is (1) effective and (2) sufficiently complete to justify your recommendation that the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the President proceed with certification?

The objective criteria we will use will be:

- Completion of training;
- Completion of policy changes;
- Completion of follow on training preparation; and
- Incidents of Soldier harassment toward gay and lesbian Soldiers.

The subjective criteria will be:

- Effectiveness of the training (as measured by the Army Inspector General)
- Impact on military readiness, military effectiveness, unit cohesion, and retention (as measured by assessments from unit Commanders and an independent assessment by the Army Inspector General); and
- Impact on recruiting (as measured by our Accessions Command propensity analysis).

3. What percentage of the force must be trained before you will be confident that repeal will be successful and certification the appropriate recommendation?

I will be confident in making a recommendation on repeal when we have trained our experts, our Commanders, and about half of our force. I believe that by that time our Commanders will have ample opportunity to assess the impacts of the repeal of DADT and provide me the insights I need to provide my military advice. I should point out that my successor may feel he needs to have a larger portion of the force trained to feel confident once he gets in the job.

Personal Attitudes Concerning Risk to the Force:

4. As you proceed with the education and training phase of the implementation plan, has your attitude changed and what is your current perspective about the risk to military effectiveness?

We are only in the early stages of training. I still believe that implementation can be accomplished with moderate risk to military effectiveness and the long-term health of the force.

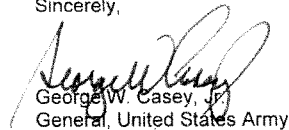
Preparation of the Force for Change:

5. Are you comfortable that the members of your force, both leaders and followers, have been armed with sufficient guidance that they will credibly cope with the array of questions that will follow implementation on conduct, billeting, privacy, and religious freedom?

I am comfortable that our training package is simple and understandable and, with the accompanying frequently asked questions/vignettes, provides our leaders with sufficient guidance to cope with the array of questions they will get. We have also established feedback mechanisms to continuously address questions as they come up.

I have personally led the training for our 4 stars and 3 star Army Staff officers and I have talked to soldiers and leaders at different levels who have had the training. They found the guidance simple and effective and were often surprised by how little had actually changed.

Sincerely,



George W. Casey, Jr.
General, United States Army

**WITNESS RESPONSES TO QUESTIONS ASKED DURING
THE HEARING**

APRIL 7, 2011

RESPONSE TO QUESTION SUBMITTED BY MR. PALAZZO

General CHIARELLI. For the Service Member Survey the Army received:

Total Army response = 30,433. Respondents Response Rate:

- AC = 11,488 = 19%
- ARNG = 10,311 = 22%
- USAR = 8,634 = 25%

Response rates consistent with Army's recent norms.

For the Spouse Survey:

Total (All Service) = 44,266 returns = 31.0% return rate:

- Active Army = 5,480 returns = 26.4% return rate.
- Army Guard = 5,432 returns = 30.3% return rate.
- Army Reserve = 4,004 returns = 30.4% return rate. [See page 31.]

General SCHWARTZ. 39,065 people responded to the survey:

- Active Duty: 18,644 or 47.7% of respondents; 5.6% of total active duty force of 332,200.
- National Guard: 11,024 or 28.2% of respondents; 10% of total Guard force of 106,700.
- Reserve: 9,397 or 24.1% of respondents; 13% of total Reserve force of 71,200. [See page 31.]

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

APRIL 7, 2011

QUESTIONS SUBMITTED BY MR. MCKEON AND MR. WILSON

Mr. MCKEON and Mr. WILSON. 1) Secretary Stanley has concluded that all the findings in the original law relative to military life and readiness remain valid except (13) concerning the longstanding law in the unique military culture prohibiting homosexuality and (15) concerning the conclusion that homosexuals in the military would create an unacceptable risk to morale, good order, discipline, and unit cohesion that are the essence of military capability.

- Do you agree with that assessment?
- If findings 13 and 15 are no longer valid, why must we develop and implement a training program to prepare the force for the repeal of the law? It would seem that if we've "moved on" from those points that we'd just recognize that fact rather than educate the force.

General CHIARELLI. Yes. Any major changes to laws, regulations, or policies should be clearly explained to all personnel to ensure universal understanding and compliance. For instance, although sexual harassment/assault was clearly unacceptable and not in accordance with Army Standards of Conduct, major education initiatives were needed to bring about a full understanding of the issue and consequences, and this education is still necessary and required.

Mr. MCKEON and Mr. WILSON. 2) Secretary Stanley has indicated that he agreed with the interpretation that the response on the survey "equally as positively as negatively" was an appropriate indicator that the respondent believed that repeal could be implemented without adverse impact on readiness. That conclusion is the basis for the statistical justification that the force agreed with repeal.

- Do you believe that was an accurate interpretation of the response, "equally as positively as negatively"?
- Do you think the survey would have been better to draw more clearly defined negative and positive responses?
- Do you believe the surveys should have simply asked, "Do you believe repeal of Don't Ask, Don't Tell should occur?" How do you think the force would have responded to that question?

General CHIARELLI. The survey conducted by Westat was not designed to be a referendum on the issue of DADT repeal, nor were any decisions based solely on this survey. The survey was conducted to measure what Service members and their spouses were thinking about a potential repeal and was used as one of many contributors to the decision making process. As to how I believe Soldiers would have responded to a specified question asking if the ban on homosexuals in the military should be repealed, it is difficult to say and I have no basis on which to provide an informed opinion.

Mr. MCKEON and Mr. WILSON. 3) On the issue of collecting data on gays and lesbians and behavior that results from open service of gays and lesbians, DOD has been adamant that privacy is more important than information.

- As a commander charged with the responsibility to assessing the success of repeal, how would you evaluate the consequences of repeal and protect the rights of gays and lesbians without data?

General CHIARELLI. The Army will protect the rights of all Soldiers irrespective of sexual orientation. However, where sexual orientation may be a factor in clear violations of Standards of Conduct or with criminal behavior, investigators are allowed to record the information as necessary.

Mr. MCKEON and Mr. WILSON. 4) Secretary Stanley has indicated after a commander takes action to relocate the billeting of personnel because of privacy concerns there was no concern that gays and lesbians will have then been stigmatized and unit cohesion disrupted.

- Do you agree with that assessment?

General CHIARELLI. Yes. Commanders move Soldiers all the time for various reasons, and I do not expect this issue to cause any extraordinary concern.

Mr. MCKEON and Mr. WILSON. 5) Secretary Stanley has indicated that there will be no need to change any regulation or cultural behavior to restrict heterosexual behavior because of gays and lesbians being present in the force.

- Do you agree?
- For example, do you expect that ceremonies welcoming home units from deployment will be conducted in the same manner as they are today, to include personal displays of affection while in uniform?

General CHIARELLI. Yes, I agree with the Secretary. Standards of Conduct will be applied equally to all Soldiers regardless of sexual orientation. With exceptions, deployment homecoming ceremonies for example, public displays of affection are not permitted while in uniform regardless of sexual orientation.

Mr. MCKEON and Mr. WILSON. 6) Secretary Stanley indicated that commanders would be able to determine when inappropriate sexual behavior was occurring in billeting and will be empowered to restore good order and discipline.

- Do you agree that commanders will be able to identify such misconduct between gays and lesbians and take appropriate action—and do all that without disrupting unit cohesion?

General CHIARELLI. Yes. Commanders, through the chain of command, are able to identify and correct inappropriate behavior of all kinds without disrupting unit cohesion. I do not expect this to change with repeal.

Mr. MCKEON and Mr. WILSON. 7) Secretary Stanley was not concerned that the involvement of Military Equal Opportunity (MEO) authorities in a policy development role will result in MEO procedures being used to resolve gay and lesbian harassment and discrimination issues despite the DOD commitment to keep those processes separate.

- Are you concerned about MEO processes eventually taking over gay and lesbian complaints?

General CHIARELLI. No. Complaints about abusive treatment related to sexual orientation will be handled through the chain of command. I do not expect there will be a need for any additional adjudication. However, the MEO program is a commander's program. MEO advisors can and do provide advice and expertise to commanders outside of an EO investigation and will continue to do so.

Mr. MCKEON and Mr. WILSON. 8) In response to a question about the Administration's decision to not defend the constitutionality of the Defense of Marriage Act (DOMA), Secretary Stanley indicated that benefits would not be extended to gay and lesbian couples and the law would be upheld.

- As prudent managers, are you now considering the likelihood that DOMA will be found unconstitutional and developing contingencies for how you would extend all family benefits to gay and lesbian families?

General CHIARELLI. The Army has been working in conjunction with DoD to evaluate the subject of benefits accorded to same-sex couples.

Mr. MCKEON and Mr. WILSON. 9) Secretary Stanley indicated that there has been no additional research to better understand the concerns about open service of gays and lesbians among service members in ground combat units.

- Are you concerned about the attitudes of service members in ground combat units and have you made any special effort to understand those feelings better and address the issues with specifically designed training?

General CHIARELLI. No. The research conducted under the Comprehensive Review Working Group was extremely thorough and addressed the issues faced by combat units. The standards of conduct are the same across the Army regardless of type of unit.

Mr. MCKEON and Mr. WILSON. 10) Are you comfortable that there are sufficient procedures for service members to report their concerns about problems in their units resulting from the open service of gays and lesbians?

- Do service members with concerns understand they have access to processes for circumventing commanders who are reluctant to take action?
- Are you comfortable that service members believe that they can report problems associated with openly serving gays/lesbians without fear of retaliation by peers or by superiors?

General CHIARELLI. Yes. The Army does not tolerate harassment, discrimination or violence against any Soldier, for any reason. Existing mechanisms such as the chain of command, IG, Sexual Assault Response Coordinator (SARC) or Unit Victim Advocate (UVA) are available for redress of issues based on sexual orientation. False accusations are not tolerated and failing to properly address any actionable complaints regardless of sexual orientation factors may have implications, including:

- Being the subject of an IG investigation

- Being the subject of a complaint of wrongs filed under UCMJ Article 138
- Being the subject of a command investigation
- Being investigated for possible criminal misconduct under the UCMJ (dereliction of duty)

A commander's duty is to take appropriate action to ensure mission readiness and to maintain good order and discipline in their organization and to seek assistance as needed. Feedback is encouraged and a mechanism is in place through command channels and with the many subject matter experts trained and tasked to assist commanders.

Mr. MCKEON and Mr. WILSON. 11) Have you encountered any complaints from service members that the repeal implementation training promotes the acceptance of gay and lesbian sexual orientation and, if so, what has been your response?

General CHIARELLI. I am aware of one inquiry from the field expressing concern that the Army was promoting an "acceptance agenda" of the GLB lifestyle. However, this particular Soldier had not been through training yet and was reacting to something he had read in the media.

The Army reply was: "Education includes an explanation that the application of Army policies will be neutral regarding Soldiers' sexual orientation and reinforces that all Soldiers will continue to be treated with dignity, respect and professionalism at all times."

Mr. MCKEON and Mr. WILSON. 12) Secretary Stanley testified that the standards clarifying the types of religious and moral statements in opposition to homosexuality that would be acceptable for chaplains were being developed.

- Do you believe that all service members should be given guidelines for the types of statements and activities in opposition to homosexuality that would be acceptable and not considered contrary to good order and discipline?
- Do you believe that it is important that service members have the ability to speak freely in opposition to homosexuality in appropriate circumstances and are you confident that effective guidelines can be formulated and published?

General CHIARELLI. There will not be any modifications or revisions to policy regarding Soldier protections and obligations with respect to free speech and free exercise of religion.

Soldiers can continue to freely practice their religion, consistent with military standards of conduct. Soldiers may, in appropriate circumstances and within the limitations of law and policy, express their moral or religious beliefs regarding sexual orientation. The subtlety, nuance, tone and sheer number of statements that might be prejudicial to good order and discipline cannot be captured in a list. The Army does, however, rely on leadership, professionalism, discipline and respect to govern our implementation of the new policies.

The Army recognizes the right of all Soldiers of the Military Services to hold individual beliefs consistent with their moral foundations and conscience and does not seek to change them.

Soldiers can continue to freely practice their religion and express their personal views within the limitations of the UCMJ and Service standards of conduct.

Mr. MCKEON and Mr. WILSON. 13) Secretary Stanley has indicated that the First Amendment freedoms for chaplains will not be impacted by the repeal process.

- Are you hearing from chaplains that they fear that repeal implementation training is having a chilling effect on chaplain speech and that chaplains are afraid to express their true beliefs because they will be penalized?
- What procedures will be available to afford chaplains the opportunity to report pressures placed on them to temper comments and chill their freedom of religious speech and what procedures will be put in place to protect such chaplains from punitive career personnel actions from supervisors and others who do not share their views?
- Will there be a process to track chaplain complaints about religious oppression?

General CHIARELLI. No. I am not aware of any negative effect that implementation training is having on our chaplains.

Chaplains will continue to have freedom to practice their religion according to the tenets of their faith. In the context of their religious ministry, chaplains are not required to take actions that are inconsistent with their religious beliefs (e.g., altering the content of sermons or religious counseling, sharing a pulpit with other chaplains or modifying forms of prayer or worship).

Chaplains of all faiths care for all Soldiers and facilitate the free exercise of religion for all personnel, regardless of religious affiliation of either the chaplain or the individual.

Chaplains minister to Soldiers and provide advice to commanders on matters of religion, morals, ethics and morale in accordance with and without compromising, the tenets or requirements of their faith. If, in chaplains' discharge of their broader duties within the unit, they are faced with an issue contrary to their individual faith, they may refer the Soldier to other appropriate counsel.

Mr. MCKEON and Mr. WILSON. 14) Are you concerned that among some people that influence the attitudes of recruit candidates that a negative view of openly serving gays and lesbians will negatively impact recruiting and retention?

General CHIARELLI. No. We have not seen any changes to expected recruitment and re-accession patterns.

Mr. MCKEON and Mr. WILSON. 15) Does the need for fairness cause you to believe that DOD should provide disability retirement benefits to former service members discharged under Don't Ask, Don't Tell who wish to return to active duty, but are no longer able to do so because of a medical condition?

General CHIARELLI. Lawful standards in effect at the time of a Soldier's separation will not be changed with retroactive effect. DoD has not authorized compensation of any type for Soldiers separated under DADT.

Mr. MCKEON and Mr. WILSON. 1) Secretary Stanley has concluded that all the findings in the original law relative to military life and readiness remain valid except (13) concerning the longstanding law in the unique military culture prohibiting homosexuality and (15) concerning the conclusion that homosexuals in the military would create an unacceptable risk to morale, good order, discipline, and unit cohesion that are the essence of military capability.

- Do you agree with that assessment?
- If findings 13 and 15 are no longer valid, why must we develop and implement a training program to prepare the force for the repeal of the law? It would seem that if we've "moved on" from those points that we'd just recognize that fact rather than educate the force.

Admiral ROUGHEAD. Yes. I agree with Secretary Stanley's assessment that findings 13 and 15 in the original law are no longer valid. As with any change in law that affects the military services, there are associated changes in policies and instructions. Accordingly, it is important for our leaders and Sailors to receive training to ensure they understand fully these changes and to reaffirm our guiding principles of leadership, professionalism, discipline, and respect. This thoughtful, steady approach establishes the foundation for a smooth and orderly transition and ensures the force is prepared to implement a repeal of the law.

Mr. MCKEON and Mr. WILSON. 2) Secretary Stanley has indicated that he agreed with the interpretation that the response on the survey "equally as positively as negatively" was an appropriate indicator that the respondent believed that repeal could be implemented without adverse impact on readiness. That conclusion is the basis for the statistical justification that the force agreed with repeal.

- Do you believe that was an accurate interpretation of the response, "equally as positively as negatively"?
- Do you think the survey would have been better to draw more clearly defined negative and positive responses?
- Do you believe the surveys should have simply asked, "Do you believe repeal of Don't Ask, Don't Tell should occur?" How do you think the force would have responded to that question?

Admiral ROUGHEAD. The purpose of the Comprehensive Review Working Group's service member survey was to ask Service members about the potential impacts of a repeal of DADT to help the military more fully understand how a change in the law may impact unit cohesion, readiness, effectiveness, recruiting, and retention. The survey did not ask service members to express their opinions about whether repeal of DADT should occur. This would have been a referendum, and I do not believe military policy decisions should be made through a referendum of service members. Since the survey did not ask service members whether DADT should be repealed, I cannot speculate on how they would have responded.

I believe it is appropriate, from the standpoint of assessing the impact of repeal, to consider the "equally as positively as negatively" responses alongside the "no effect" and "positive" responses. When asked to predict the impact of repeal, I believe a response of "equally as positively as negatively" supports an assessment that repeal can be implemented without adverse impact to the force.

Mr. MCKEON and Mr. WILSON. 3) On the issue of collecting data on gays and lesbians and behavior that results from open service of gays and lesbians, DOD has been adamant that privacy is more important than information.

- As a commander charged with the responsibility to assessing the success of repeal, how would you evaluate the consequences of repeal and protect the rights of gays and lesbians without data?

Admiral ROUGHEAD. Sexual orientation is a personal and private matter. Sailors will not be required to identify their sexual orientation, nor will any such information be collected and maintained in a system of records except when incidental to an investigation or other official action. We will be able to assess the impact of repeal through existing tools, such as anonymous surveys of the force, command climate surveys, exit surveys, and recruiting and retention data, none of which require the collection of information about an individual's sexual orientation.

Mr. MCKEON and Mr. WILSON. 4) Secretary Stanley has indicated after a commander takes action to relocate the billeting of personnel because of privacy concerns there was no concern that gays and lesbians will have then been stigmatized and unit cohesion disrupted.

- Do you agree with that assessment?

Admiral ROUGHEAD. Yes, I agree with Dr. Stanley's assessment. In the Navy, we live and work in close-quarters in many of our operating environments with individuals from many different backgrounds. Commanders have always had the authority to alter berthing or billeting assignments for a variety of reasons, on a case-by-case basis, in the interest of maintaining morale, good order, and discipline, consistent with the performance of the mission.

Mr. MCKEON and Mr. WILSON. 5) Secretary Stanley has indicated that there will be no need to change any regulation or cultural behavior to restrict heterosexual behavior because of gays and lesbians being present in the force.

- Do you agree?
- For example, do you expect that ceremonies welcoming home units from deployment will be conducted in the same manner as they are today, to include personal displays of affection while in uniform?

Admiral ROUGHEAD. Yes, I agree with Secretary Stanley that no changes are necessary. Gay and lesbian Sailors already serve in our Navy. I have reviewed our standards of conduct in preparation for repeal and confirmed they can be applied without regard to sexual orientation. As has always been the case, all Sailors are expected to abide by Navy's high standards of personal and professional conduct, and leaders are expected to apply these standards uniformly across the force. Accordingly, ceremonies welcoming home units from deployment and other related activities will be conducted in the same manner as they are today.

Mr. MCKEON and Mr. WILSON. 6) Secretary Stanley indicated that commanders would be able to determine when inappropriate sexual behavior was occurring in billeting and will be empowered to restore good order and discipline.

- Do you agree that commanders will be able to identify such misconduct between gays and lesbians and take appropriate action—and do all that without disrupting unit cohesion?

Admiral ROUGHEAD. I agree with Secretary Stanley. As always, commanders will continue to be mindful of all behavior that is inconsistent with our standards of conduct and have the flexibility and authority to resolve issues that fall within their respective areas of responsibility. As in all situations, commanders may make reasonable accommodations in the interest of maintaining morale, good order, and discipline, consistent with the performance of the mission and the environment in which we live. I have full confidence in Navy leaders to set a positive tone, create an inclusive and respectful environment, and continue to enforce our high standards of conduct throughout the Navy without disruption to morale or unit cohesion.

Mr. MCKEON and Mr. WILSON. 7) Secretary Stanley was not concerned that the involvement of Military Equal Opportunity (MEO) authorities in a policy development role will result in MEO procedures being used to resolve gay and lesbian harassment and discrimination issues despite the DOD commitment to keep those processes separate.

- Are you concerned about MEO processes eventually taking over gay and lesbian complaints?

Admiral ROUGHEAD. No. I am not concerned. The Department of Defense will not designate sexual orientation as a class eligible for various diversity programs, tracking initiatives, and the Military Equal Opportunity program complaint resolution processes. I am confident that complaints regarding harassment or discrimination based on sexual orientation will be effectively addressed through existing mechanisms available for other such complaints not involving race, color, gender, religion or national origin, to include the chain of command and the Inspector General. All service members, regardless of sexual orientation, are entitled to an environment free from discrimination and harassment. As always, Navy leaders are charged with

setting a positive tone, creating an inclusive and respectful work environment, and enforcing our high standards of conduct.

Mr. MCKEON and Mr. WILSON. 8) In response to a question about the Administration's decision to not defend the constitutionality of the Defense of Marriage Act (DOMA), Secretary Stanley indicated that benefits would not be extended to gay and lesbian couples and the law would be upheld.

- As prudent managers, are you now considering the likelihood that DOMA will be found unconstitutional and developing contingencies for how you would extend all family benefits to gay and lesbian families?

Admiral ROUGHEAD. To date, there has been no ongoing planning or study conducted by the Navy on the extension of all family benefits to gay and lesbian families.

Mr. MCKEON and Mr. WILSON. 9) Secretary Stanley indicated that there has been no additional research to better understand the concerns about open service of gays and lesbians among service members in ground combat units.

- Are you concerned about the attitudes of service members in ground combat units and have you made any special effort to understand those feelings better and address the issues with specifically designed training?

Admiral ROUGHEAD. Throughout this process, I have monitored the tone of the force through engagements with officer and senior enlisted leadership, all-hands calls with Sailors throughout the Navy, questions submitted by Sailors through our repeal website, and command climate reports from command leadership teams. We have not experienced any special issues during the course of training nor have we observed any degradation to readiness for our Sailors assigned to ground combat units that would necessitate additional or special training. I am satisfied that the combination of comprehensive training, policy changes and clarifications, continued respect for the moral and religious beliefs of our members, and strong, engaged leadership has adequately addressed the concerns of all Sailors.

Mr. MCKEON and Mr. WILSON. 10) Are you comfortable that there are sufficient procedures for service members to report their concerns about problems in their units resulting from the open service of gays and lesbians?

- Do service members with concerns understand they have access to processes for circumventing commanders who are reluctant to take action?
- Are you comfortable that service members believe that they can report problems associated with openly serving gays/lesbians without fear of retaliation by peers or by superiors?

Admiral ROUGHEAD. Yes. I am comfortable that there are sufficient procedures in place for service members to report their concerns. As always, Sailors are expected to abide by Navy's high standards of personal and professional conduct. Leaders are expected to apply these standards uniformly across the force and hold individuals accountable for their behavior. Behavior that is inconsistent with our standards of conduct will not be tolerated. Existing policies ensure that all service members have multiple avenues through which they can address their concerns without fear of reprisal, to include their chain of command, legal office, and the Inspector General.

Mr. MCKEON and Mr. WILSON. 11) Have you encountered any complaints from service members that the repeal implementation training promotes the acceptance of gay and lesbian sexual orientation and, if so, what has been your response?

Admiral ROUGHEAD. We have not encountered complaints from service members that the repeal implementation training promotes the acceptance of gay and lesbian sexual orientation. The training clearly emphasizes that no one is expected to change their religious and moral beliefs regarding homosexuality after repeal of DADT and as always, Sailors are expected to treat each other with professionalism and respect. Feedback from our Sailors indicates the training was comprehensive, well-delivered, and effective.

Mr. MCKEON and Mr. WILSON. 12) Secretary Stanley testified that the standards clarifying the types of religious and moral statements in opposition to homosexuality that would be acceptable for chaplains were being developed.

- Do you believe that all service members should be given guidelines for the types of statements and activities in opposition to homosexuality that would be acceptable and not considered contrary to good order and discipline?
- Do you believe that it is important that service members have the ability to speak freely in opposition to homosexuality in appropriate circumstances and are you confident that effective guidelines can be formulated and published?

Admiral ROUGHEAD. I believe that all Navy personnel should be provided with guidance addressing acceptable conduct in the Navy, to include speech. As directed by Dr. Stanley, we conducted a review of our policies and standards of conduct, and

confirmed they provided adequate guidance to our personnel. The Navy's DADT repeal implementation training clarified Department of Defense policies regarding service members' freedom of expression and free exercise of religion. Service members can continue to freely practice their religion and express their personal views in appropriate circumstances within the limitations of the Uniform Code of Military Justice and our standards of conduct. As always, Navy personnel may not make statements detrimental to good order and discipline and are expected to treat all others with dignity and respect.

Mr. MCKEON and Mr. WILSON. 13) Secretary Stanley has indicated that the First Amendment freedoms for chaplains will not be impacted by the repeal process.

- Are you hearing from chaplains that they fear that repeal implementation training is having a chilling effect on chaplain speech and that chaplains are afraid to express their true beliefs because they will be penalized?
- What procedures will be available to afford chaplains the opportunity to report pressures placed on them to temper comments and chill their freedom of religious speech and what procedures will be put in place to protect such chaplains from punitive career personnel actions from supervisors and others who do not share their views?
- Will there be a process to track chaplain complaints about religious oppression?

Admiral ROUGHEAD. No, we have not heard concerns expressed by Navy chaplains that the DADT repeal implementation training is negatively impacting their freedom of religious expression. Prior to the release of the Comprehensive Review Working Group's (CRWG) report, some chaplains initially expressed concerns about their free exercise of religion and free speech post-repeal and the potential for adverse personnel actions against chaplains who, consistent with their religious beliefs, express opposition to repeal or homosexuality. However, these concerns were effectively mitigated by policy guidance provided by the CRWG and our associated Tier 1 training for chaplains, both of which emphasized that in their preaching, teaching, and pastoral care/counsel, chaplains will not be required to take actions that are inconsistent with their religious beliefs and that the evaluation of chaplain performance will be consistent with these policies.

Existing policies adequately protect chaplains' freedom of expression and their ability to discharge their duties of providing for and facilitating religious practice within a religiously diverse population. As is the case with all Sailors, chaplains have recourse through their chain of command or the Inspector General for reporting issues of concern. No separate process for tracking chaplain complaints is anticipated at this time.

Mr. MCKEON and Mr. WILSON. 14) Are you concerned that among some people that influence the attitudes of recruit candidates that a negative view of openly serving gays and lesbians will negatively impact recruiting and retention?

Admiral ROUGHEAD. No. I assess there will be minimal impact of repeal on the attitudes of people who influence recruit candidates. According to the Comprehensive Review Working Group (CRWG) survey, 76% of Navy spouses reported that repeal of DADT would not affect their willingness to recommend military service or would make them more likely to recommend military service. Approximately 80% of Sailors reported that repeal would not negatively impact their willingness to recommend the military to a family member or close friend.

The Joint Advertising Market Research & Studies (JAMRS) surveys are also important sources of information about the attitudes of American youth and those who influence the decisions of potential recruits, to include parents, grandparents, and teachers, regarding military service. According to a JAMRS survey conducted for the CRWG, 70% of 15-34 year olds reported that repeal of DADT would have no effect on their propensity to join the military, while 8% reported that it would increase their likelihood of joining. Additionally, 73% of influencers reported that repeal of DADT would not affect their likelihood to recommend the military.

To date, we have not observed any impacts to recruiting and retention in the Navy related to repeal of DADT.

Mr. MCKEON and Mr. WILSON. 15) Does the need for fairness cause you to believe that DOD should provide disability retirement benefits to former service members discharged under Don't Ask, Don't Tell who wish to return to active duty, but are no longer able to do so because of a medical condition?

Admiral ROUGHEAD. No. Navy was following current law when discharging members under DADT. All honorably discharged service members have an equal opportunity to apply for re-entry. Service members separated under DADT will be evaluated according to the same criteria and service requirements as all individuals seeking re-entry into the military. A former Sailor who applies for re-entry and is denied is not entitled to retroactive compensation or retirement benefits. Not being able to

meet the physical standards required for entering the military is not a compensable condition because the applicant is not entitled to basic pay at the time of the entrance physical examination.

Disability payments are handled on a case-by-case basis by the Veteran's Administration (VA). If prior-service members discharged under DADT were rated for a disability by the VA upon discharge, they would already be receiving compensation based on the VA rating. If the disability was incurred by the member after discharge from the service, there is no obligation on the part of the VA to provide disability payments.

Mr. MCKEON and Mr. WILSON. 1) Secretary Stanley has concluded that all the findings in the original law relative to military life and readiness remain valid except (13) concerning the longstanding law in the unique military culture prohibiting homosexuality and (15) concerning the conclusion that homosexuals in the military would create an unacceptable risk to morale, good order, discipline, and unit cohesion that are the essence of military capability.

- Do you agree with that assessment?
- If findings 13 and 15 are no longer valid, why must we develop and implement a training program to prepare the force for the repeal of the law? It would seem that if we've "moved on" from those points that we'd just recognize that fact rather than educate the force.

General AMOS. Based on the training and feedback from my visits with commanders and Marines in various organizations and units both in the U.S. and overseas, I agree with the assessment. However, agreement with the assessment does not obviate training. Educating the force ensures that our Marines receive clear guidance from Senior Leadership in an area marking significant change to longstanding policy. Similar to other topical areas of training, consensus is not the primary factor determining its provision. The primary goal of this training is to provide our Marines with the tools to maintain good order, discipline and unit cohesion while conforming to the law.

Mr. MCKEON and Mr. WILSON. 2) Secretary Stanley has indicated that he agreed with the interpretation that the response on the survey "equally as positively as negatively" was an appropriate indicator that the respondent believed that repeal could be implemented without adverse impact on readiness. That conclusion is the basis for the statistical justification that the force agreed with repeal.

- Do you believe that was an accurate interpretation of the response, "equally as positively as negatively"?
- Do you think the survey would have been better to draw more clearly defined negative and positive responses?
- Do you believe the surveys should have simply asked, "Do you believe repeal of Don't Ask, Don't Tell should occur?" How do you think the force would have responded to that question?

General AMOS. In my estimation, an answer of "equally as positively as negatively" would mean the same amounts of support and disfavor; hence a neutral position. I believe the survey provided adequate information to assess the possible impact to the Marine Corps and feel that conjecture on how Marines might have answered hypothetical question(s) not on the survey would not be sound or advisable due to its speculative nature.

Mr. MCKEON and Mr. WILSON. 3) On the issue of collecting data on gays and lesbians and behavior that results from open service of gays and lesbians, DOD has been adamant that privacy is more important than information.

- As a commander charged with the responsibility to assessing the success of repeal, how would you evaluate the consequences of repeal and protect the rights of gays and lesbians without data?

General AMOS. In my estimation, an answer of "equally as positively as negatively" would mean the same amounts of support and disfavor; hence a neutral position. I believe the survey provided adequate information to assess the possible impact to the Marine Corps and feel that conjecture on how Marines might have answered hypothetical question(s) not on the survey would not be sound or advisable due to its speculative nature.

Mr. MCKEON and Mr. WILSON. 4) Secretary Stanley has indicated after a commander takes action to relocate the billeting of personnel because of privacy concerns there was no concern that gays and lesbians will have then been stigmatized and unit cohesion disrupted.

- Do you agree with that assessment?

General AMOS. Yes, sexual orientation is not a relevant factor in billeting assignments. Commanders are responsible for maintaining unit cohesion, good order and

discipline. Commanders who feel it necessary to reassign Marines for privacy reasons must properly balance all of these interests to eliminate or significantly reduce potential stigma—for any reason.

Mr. MCKEON and Mr. WILSON. 5) Secretary Stanley has indicated that there will be no need to change any regulation or cultural behavior to restrict heterosexual behavior because of gays and lesbians being present in the force.

- Do you agree?
- For example, do you expect that ceremonies welcoming home units from deployment will be conducted in the same manner as they are today, to include personal displays of affection while in uniform?

General AMOS. Yes, Marine Corps Standards of Conduct govern the behavior of all Marines, regardless of sexual orientation. We will not tolerate behavior that detracts from unit cohesion, good order and discipline, respect for authority or mission accomplishment. Leaders and Marines at all levels have the responsibility to enforce the Standards of Conduct. Our Standards of Conduct govern acceptable public displays of affection and are addressed in our drill and ceremonies manual and our uniform regulations as well as our customs of the service.

Mr. MCKEON and Mr. WILSON. 6) Secretary Stanley indicated that commanders would be able to determine when inappropriate sexual behavior was occurring in billeting and will be empowered to restore good order and discipline.

- Do you agree that commanders will be able to identify such misconduct between gays and lesbians and take appropriate action—and do all that without disrupting unit cohesion?

General AMOS. Yes, I remain confident in the leadership of the Marine Corps to identify and address unacceptable behavior that detracts from unit cohesion, good order and discipline and to take appropriate remedial action(s) where required.

Mr. MCKEON and Mr. WILSON. 7) Secretary Stanley was not concerned that the involvement of Military Equal Opportunity (MEO) authorities in a policy development role will result in MEO procedures being used to resolve gay and lesbian harassment and discrimination issues despite the DOD commitment to keep those processes separate.

- Are you concerned about MEO processes eventually taking over gay and lesbian complaints?

General AMOS. No, I am not concerned. Our commanders may use their Equal Opportunity advisors as a source of knowledge in addressing complaints, but there are other avenues readily available to all Marines to file complaints and to seek redress. Most notable of these avenues are service member rights under Article 138 of the Uniform Code of Military Justice. Hotline and Inspector General complaint processes are also available to service members to address grievances.

Mr. MCKEON and Mr. WILSON. 8) In response to a question about the Administration's decision to not defend the constitutionality of the Defense of Marriage Act (DOMA), Secretary Stanley indicated that benefits would not be extended to gay and lesbian couples and the law would be upheld.

- As prudent managers, are you now considering the likelihood that DOMA will be found unconstitutional and developing contingencies for how you would extend all family benefits to gay and lesbian families?

General AMOS. I have not speculated about whether DOMA is constitutional. Although I have had discussions about the law, I have not directed any planning efforts in anticipation of any potential ruling on DOMA. DOMA is the law and the Marine Corps will follow the law.

Mr. MCKEON and Mr. WILSON. 9) Secretary Stanley indicated that there has been no additional research to better understand the concerns about open service of gays and lesbians among service members in ground combat units.

- Are you concerned about the attitudes of service members in ground combat units and have you made any special effort to understand those feelings better and address the issues with specifically designed training?

General AMOS. All Marines have received or will receive the same training. The Marine Corps is complete with Tier 1 (special staff) and Tier 2 (leadership) training. As of 30 June 2011, Tier 3 (Marines) training is 95% complete. I recently spoke to commanders on the ground in Afghanistan, who indicated that our Marines there are able to accomplish their mission and have received sufficient training. Morale is high and our deployed Marines have positive attitudes.

Mr. MCKEON and Mr. WILSON. 10) Are you comfortable that there are sufficient procedures for service members to report their concerns about problems in their units resulting from the open service of gays and lesbians?

- Do service members with concerns understand they have access to processes for circumventing commanders who are reluctant to take action?
- Are you comfortable that service members believe that they can report problems associated with openly serving gays/lesbians without fear of retaliation by peers or by superiors?

General AMOS. Yes, we will handle concerns regarding sexual orientation harassment and abuse through the chain of command, the Inspector General and other means established by the services.

Marines are trained about and are aware of their right to Request Mast under the provision of Article 138 of the Uniform Code of Military Justice and can contact the Inspector General hotline or communicate directly with my staff through Marine Mail—all without fear of reprisal.

Mr. MCKEON and Mr. WILSON. 11) Have you encountered any complaints from service members that the repeal implementation training promotes the acceptance of gay and lesbian sexual orientation and, if so, what has been your response?

General AMOS. Overall, the training has been well received without complaint. Marines understand that their personal beliefs are not required to change. Rather, Marines know that they are to show tolerance through treating their fellow service members with professionalism, respect and dignity.

Mr. MCKEON and Mr. WILSON. 12) Secretary Stanley testified that the standards clarifying the types of religious and moral statements in opposition to homosexuality that would be acceptable for chaplains were being developed.

- Do you believe that all service members should be given guidelines for the types of statements and activities in opposition to homosexuality that would be acceptable and not considered contrary to good order and discipline?
- Do you believe that it is important that service members have the ability to speak freely in opposition to homosexuality in appropriate circumstances and are you confident that effective guidelines can be formulated and published?

General AMOS. Marine Corps Standards of Conduct govern the behavior of all Marines. We will not tolerate behavior that detracts from unit cohesion, good order and discipline, respect for authority or mission accomplishment. We further will not tolerate harassment or abuse of Marines for any reason, and will address all issues of this nature accordingly through command or inspector general channels. Leaders and Marines at all levels have the responsibility to enforce the standards of conduct.

DoD policies already exist governing all types of appropriate/inappropriate statements and/or activities which may impact good order and discipline, and service members receive instruction in these policies. A service member's right of expression is preserved to the maximum extent possible in accordance with constitutional and statutory provisions and consistent with good order and discipline and the national security.

Mr. MCKEON and Mr. WILSON. 13) Secretary Stanley has indicated that the First Amendment freedoms for chaplains will not be impacted by the repeal process.

- Are you hearing from chaplains that they fear that repeal implementation training is having a chilling effect on chaplain speech and that chaplains are afraid to express their true beliefs because they will be penalized?
- What procedures will be available to afford chaplains the opportunity to report pressures placed on them to temper comments and chill their freedom of religious speech and what procedures will be put in place to protect such chaplains from punitive career personnel actions from supervisors and others who do not share their views?
- Will there be a process to track chaplain complaints about religious oppression?

General AMOS. No, I am not hearing that. Chaplains can Request Mast under Article 138 of the Uniform Code of Military Justice, contact the inspector general hotline or communicate directly with my staff through Marine Mail, all without fear of reprisal. Additionally, many of these procedures are also available through the administrative chain of the Navy Chaplain Corps. At this time, I do not anticipate any process for tracking chaplain complaints as a result of the repeal of DADT. To my knowledge, we have never had reason to track complaints about religious oppression of chaplains.

Mr. MCKEON and Mr. WILSON. 14) Are you concerned that among some people that influence the attitudes of recruit candidates that a negative view of openly serving gays and lesbians will negatively impact recruiting and retention?

General AMOS. No, I am not concerned. My experience has been that recruiters focus on achieving their mission of obtaining the requisite numbers of the best qualified applicants. Moreover, as of 11 July, over 98 percent (5,038 personnel) of

those assigned to Marine Corps Recruiting Command (active and reserve) have received appropriate DoD-directed, DADT Tier level training.

Mr. MCKEON and Mr. WILSON. 15) Does the need for fairness cause you to believe that DOD should provide disability retirement benefits to former service members discharged under Don't Ask, Don't Tell who wish to return to active duty, but are no longer able to do so because of a medical condition?

General AMOS. Marine Corps separations are effected according to law and applicable implementing regulation and policy. I do not take my obligation to follow the law lightly. Nor do I take lightly the impact of the change in the law on Marines who have been separated. I am now considering factors to determine where true fairness would lie if this becomes the situation.

Mr. MCKEON and Mr. WILSON. 1) Secretary Stanley has concluded that all the findings in the original law relative to military life and readiness remain valid except (13) concerning the longstanding law in the unique military culture prohibiting homosexuality and (15) concerning the conclusion that homosexuals in the military would create an unacceptable risk to morale, good order, discipline, and unit cohesion that are the essence of military capability.

- Do you agree with that assessment?
- If findings 13 and 15 are no longer valid, why must we develop and implement a training program to prepare the force for the repeal of the law? It would seem that if we've "moved on" from those points that we'd just recognize that fact rather than educate the force.

General SCHWARTZ. Although I agree with Dr. Stanley's assessment, I also believe educating the total force is important to explain how the repeal of 10 U.S.C. § 654 will be implemented. There is a need for, and definite purpose for, the training of our Airmen.

Mr. MCKEON and Mr. WILSON. 2) Secretary Stanley has indicated that he agreed with the interpretation that the response on the survey "equally as positively as negatively" was an appropriate indicator that the respondent believed that repeal could be implemented without adverse impact on readiness. That conclusion is the basis for the statistical justification that the force agreed with repeal.

- Do you believe that was an accurate interpretation of the response, "equally as positively as negatively"?
- Do you think the survey would have been better to draw more clearly defined negative and positive responses?
- Do you believe the surveys should have simply asked, "Do you believe repeal of Don't Ask, Don't Tell should occur?" How do you think the force would have responded to that question?

General SCHWARTZ. I agree with Dr. Stanley's interpretation of the survey response "equally as positively as negatively." No survey is perfect, but I am satisfied the survey was comprehensive and informative.

Mr. MCKEON and Mr. WILSON. 3) On the issue of collecting data on gays and lesbians and behavior that results from open service of gays and lesbians, DOD has been adamant that privacy is more important than information.

- As a commander charged with the responsibility to assessing the success of repeal, how would you evaluate the consequences of repeal and protect the rights of gays and lesbians without data?

General SCHWARTZ. Existing processes for follow-on review and monitoring have been used to the maximum possible extent in order to minimize potential disruption to the force as a result of new and potentially burdensome reporting instruments. Therefore, to systematically analyze workforce climate and military effectiveness, our intent is to use existing Air Force assessment tools such as command climate surveys, the Inspector General's command assessments, annual reports on sexual assault prevention and response, unit climate assessments, Air and Joint Expeditionary Force tasking surveys, annual retention surveys, and other extant mechanisms for feedback from the field.

Additionally, as they always have, commanders at every level assess the morale of their personnel through personal assessment and observation of unit climate and mission accomplishment.

Mr. MCKEON and Mr. WILSON. 4) Secretary Stanley has indicated after a commander takes action to relocate the billeting of personnel because of privacy concerns there was no concern that gays and lesbians will have then been stigmatized and unit cohesion disrupted.

- Do you agree with that assessment?

General SCHWARTZ. A commander has the discretion to direct billeting and berthing assignments based on a number of factors including work schedules, friendships,

and compatibility. Because commanders already use this discretion to address a number of morale concerns, its use to address privacy concerns is not noteworthy.

Mr. MCKEON and Mr. WILSON. 5) Secretary Stanley has indicated that there will be no need to change any regulation or cultural behavior to restrict heterosexual behavior because of gays and lesbians being present in the force.

- Do you agree?
- For example, do you expect that ceremonies welcoming home units from deployment will be conducted in the same manner as they are today, to include personal displays of affection while in uniform?

General SCHWARTZ. The Air Force has an instruction on public displays of affections that is sexual orientation neutral and simply reaffirms the standards we have consistently expected of our service members over time. Ceremonies will be conducted in the same manner as before, including welcoming home ceremonies.

Mr. MCKEON and Mr. WILSON. 6) Secretary Stanley indicated that commanders would be able to determine when inappropriate sexual behavior was occurring in billeting and will be empowered to restore good order and discipline.

- Do you agree that commanders will be able to identify such misconduct between gays and lesbians and take appropriate action—and do all that without disrupting unit cohesion?

General SCHWARTZ. I am confident commanders will be able to identify misconduct between gays and lesbians as accurately as they do between heterosexuals. Our instructions continue to clearly articulate the difference between professional and unprofessional relationships, and their provisions will continue to be enforced.

Mr. MCKEON and Mr. WILSON. 7) Secretary Stanley was not concerned that the involvement of Military Equal Opportunity (MEO) authorities in a policy development role will result in MEO procedures being used to resolve gay and lesbian harassment and discrimination issues despite the DOD commitment to keep those processes separate.

- Are you concerned about MEO processes eventually taking over gay and lesbian complaints?

General SCHWARTZ. No. Long-standing parameters for MEO complaints will continue to guide MEO officials to determine, on a case-by-case basis, whether equal opportunity implications exist for a particular complaint.

Mr. MCKEON and Mr. WILSON. 8) In response to a question about the Administration's decision to not defend the constitutionality of the Defense of Marriage Act (DOMA), Secretary Stanley indicated that benefits would not be extended to gay and lesbian couples and the law would be upheld.

- As prudent managers, are you now considering the likelihood that DOMA will be found unconstitutional and developing contingencies for how you would extend all family benefits to gay and lesbian families?

General SCHWARTZ. In the event that the Defense of Marriage Act should be found unconstitutional, we anticipate the Department of Defense (DoD) would issue guidance on the extension of family benefits to gay and lesbian families. The Air Force would follow DoD guidance.

Mr. MCKEON and Mr. WILSON. 9) Secretary Stanley indicated that there has been no additional research to better understand the concerns about open service of gays and lesbians among service members in ground combat units.

- Are you concerned about the attitudes of service members in ground combat units and have you made any special effort to understand those feelings better and address the issues with specifically designed training?

General SCHWARTZ. I do not believe additional specific training is necessary for Airmen serving in ground combat units. All Airmen are trained to treat all others with dignity and respect regardless of their duty location.

Mr. MCKEON and Mr. WILSON. 10) Are you comfortable that there are sufficient procedures for service members to report their concerns about problems in their units resulting from the open service of gays and lesbians?

- Do service members with concerns understand they have access to processes for circumventing commanders who are reluctant to take action?
- Are you comfortable that service members believe that they can report problems associated with openly serving gays/lesbians without fear of retaliation by peers or by superiors?

General SCHWARTZ. The Air Force's command channels and Inspector General program are well suited to address such complaints. We strive for a climate in which all service members will treat each other with dignity and respect regardless of sexual orientation, and I am confident current procedures will be able to respond appropriately to deviations from those standards.

During training on the repeal of Don't Ask, Don't Tell, for example, Airmen are informed they can address complaints through their local inspector general's office. This training will also be provided to all new accessions.

Mr. MCKEON and Mr. WILSON. 11) Have you encountered any complaints from service members that the repeal implementation training promotes the acceptance of gay and lesbian sexual orientation and, if so, what has been your response?

General SCHWARTZ. I have not personally received any complaints from service members regarding repeal implementation training. The training very clearly explains its purpose is to address standards of behavior, not to change an individual service member's beliefs.

Mr. MCKEON and Mr. WILSON. 12) Secretary Stanley testified that the standards clarifying the types of religious and moral statements in opposition to homosexuality that would be acceptable for chaplains were being developed.

- Do you believe that all service members should be given guidelines for the types of statements and activities in opposition to homosexuality that would be acceptable and not considered contrary to good order and discipline?
- Do you believe that it is important that service members have the ability to speak freely in opposition to homosexuality in appropriate circumstances and are you confident that effective guidelines can be formulated and published?

General SCHWARTZ. Current DoD and Air Force policy and regulations provide sufficient guidance about service members' protections and obligations with respect to free speech and free exercise of religion. As part of repeal implementation, service members are receiving training on the effect of repeal on individual rights and responsibilities. Similarly, our Chaplain Corps will continue to have freedom to practice according to the tenets of their respective faiths. We do, however, expect our Chaplains to offer general pastoral services to all Airmen in need. In the context of their religious ministry, chaplains are not required to take actions inconsistent with their religious beliefs (e.g., altering the content of sermons or religious counseling). Service members—including chaplains—can continue to freely practice their religion and express their personal views within the limitations of the Uniform Code of Military Justice and service-specific standards of conduct.

Mr. MCKEON and Mr. WILSON. 13) Secretary Stanley has indicated that the First Amendment freedoms for chaplains will not be impacted by the repeal process.

- Are you hearing from chaplains that they fear that repeal implementation training is having a chilling effect on chaplain speech and that chaplains are afraid to express their true beliefs because they will be penalized?
- What procedures will be available to afford chaplains the opportunity to report pressures placed on them to temper comments and chill their freedom of religious speech and what procedures will be put in place to protect such chaplains from punitive career personnel actions from supervisors and others who do not share their views?
- Will there be a process to track chaplain complaints about religious oppression?

General SCHWARTZ. A limited number of chaplains expressed concerns about a chilling effect on religious speech. An April 28, 2010, letter signed by 41 retired military chaplains raised concerns within the Air Force Chaplain Corps that chaplains' religious liberties, including their speech, may be limited.

Current procedures empower and/or allow chaplains to use their functional chain of command to address concerns and issues regarding freedom of religious speech. Program Budget Decision 720 established the Air Force Chief of Chaplains Plans, Programs, and Budget Division (AF/HCX) as reach-back office for all Chaplain Corps issues and concerns. Thus, any issues or concerns, including freedom of religious speech, can be elevated through major commands to AF/HCX for resolution.

These procedures track freedom of religious speech concerns and, in conjunction with other functional communities and ecclesiastical endorsing agents, ensure prudent, non-punitive resolution.

Mr. MCKEON and Mr. WILSON. 14) Are you concerned that among some people that influence the attitudes of recruit candidates that a negative view of openly serving gays and lesbians will negatively impact recruiting and retention?

General SCHWARTZ. It is my assessment the United States Air Force can accommodate the repeal of Don't Ask, Don't Tell with modest risk to recruiting and retention. We will pay close attention to the attitudes of those who influence our recruit candidates for any negative impacts.

Mr. MCKEON and Mr. WILSON. 15) Does the need for fairness cause you to believe that DOD should provide disability retirement benefits to former service members discharged under Don't Ask, Don't Tell who wish to return to active duty, but are no longer able to do so because of a medical condition?

General SCHWARTZ. No. As stated by the Under Secretary of Defense for Personnel and Readiness, the Department of Defense is not authorized to provide compensation of any type for those service members previously separated under 10 U.S.C. § 654. Thus, service members previously separated under 10 U.S.C. § 654 who are unable to return to active duty due to a medical condition cannot be provided disability retirement benefits.

