

**STATEMENT OF SECRETARY OF DEFENSE ROBERT M. GATES  
SENATE ARMED SERVICES COMMITTEE  
DECEMBER 2, 2010**

Mr. Chairman, Senator McCain, members of the committee:

This past Tuesday, the department released the report of the High Level Working Group that reviewed the issues associated with a potential repeal of the “Don’t Ask, Don’t Tell” law and, based on those findings, to develop recommendations for implementation. The report’s findings reflect nearly ten months of research and analysis along several lines of study, and represent the most thorough and objective review ever of this difficult policy issue and its impact on the American military.

First, the group reached out to the force to better understand their views and attitudes about a potential repeal of the Don’t Ask Don’t Tell law. As I said on Tuesday, and is worth repeating again today, this outreach was not a matter of taking a poll of the military to determine whether the law should be changed. The President of the United States, the commander in chief of the Armed Forces, made his position on this matter clear – a position I support. Our job, as the civilian and military leadership of the Department of Defense, was to determine how best to prepare for such a change should the Congress change the law. Nonetheless, I thought it critically important to engage our troops and their families on this issue – to learn the attitudes, obstacles and concerns needing attention – as ultimately it will be they who will determine whether or not such a transition would be successful.

This outreach included a survey questionnaire answered by tens of thousands of troops and their families, which Mr. Johnson and General Ham can address in more detail. In summary, a strong majority of those who answered the survey – more than two thirds – do not object to gays and lesbians serving openly in uniform. The findings suggest that for large segments of the military – with the exception of some combat specialties – the repeal of Don’t Ask Don’t Tell, though potentially disruptive in the short term, would not be the wrenching, traumatic change that many have feared and predicted.

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

Third, the working group examined the potential impact of a change in the law on military readiness, including the impact on unit cohesion, recruiting and retention, and other issues crucial to the performance of the force.

In my view, getting this category right is the most important thing we do. The U.S. Armed Forces are in the middle of two major overseas military campaigns – a complex and difficult drawdown in Iraq and a war in Afghanistan. The working group report concluded that overall, and with thorough preparation, there is a low risk from repealing Don’t Ask Don’t Tell. However, as I mentioned earlier, the survey data showed that a higher proportion – between 40 and 60 percent – of those troops serving in predominantly all-male combat specialties – mostly

Army and Marines, but including the special operations formations of the Navy and Air Force – predicted a negative effect on unit cohesion from repealing the current law.

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

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

I would now outline my recommendations for the way ahead.

Earlier this year, the House passed legislation that would repeal Don’t Ask Don’t Tell after a number of steps take place – the last being certification by the President, the Secretary of Defense, and the Chairman that the new policies and regulations were consistent with the U.S. military’s standards of readiness, effectiveness, unit cohesion, and recruiting and retention. Now that we have completed this review, I strongly urge the Senate to pass this legislation and send it to the president for signature before the end of this year.

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

Therefore, it is important that this change come via legislative means – that is, legislation informed by the review just completed. What is needed is a process that allows for a well-prepared and well-considered implementation. Above all, a process that carries the imprimatur of the elected representatives of the people of the United States. Given the present circumstances, those that choose not to act legislatively are rolling the dice that this policy will not be abruptly overturned by the courts.

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

I would close on a personal note and a personal appeal. This is the second time that I have dealt with this issue as a leader in public life, the prior case being at CIA in 1992, when I directed that openly gay applicants be treated like all other applicants – that is, whether as individuals they met our competitive standards. That was, and is, a situation significantly different – in circumstance and consequence – than that confronting the U.S. armed forces today. Views towards gay and lesbian Americans have changed considerably during this period, and have grown more accepting since Don’t Ask Don’t Tell was first enacted. But feelings on this

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matter can still run deep and divide, often starkly, along demographic, cultural and generational lines – not only in society as a whole, but in the uniformed ranks as well.

For this reason I would ask, as Congress takes on this debate, for all involved to resist the urge to lure our troops and their families into the politics of this issue. What is called for is a careful and considered approach. An approach that, to the extent possible, welcomes all who are qualified and capable of serving their country in uniform, but one that does not undermine – out of haste or dogmatism – those attributes that make the U.S. military the finest fighting force in the world. The stakes are too high – for a nation under threat, for a military at war – to do any less.

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