



May 10, 2011

The Honorable Howard P. "Buck" McKeon  
Chairman, House Armed Services Committee  
U.S. House of Representatives  
2120 Rayburn House Office Building  
Washington, DC 20515

The Honorable Adam Smith  
Ranking Member, House Armed Services Committee  
U.S. House of Representatives  
2120 Rayburn House Office Building  
Washington, DC 20515

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**RE: National Defense Authorization Act for Fiscal Year 2012 and  
"Don't Ask, Don't Tell" Repeal Implementation**

LAURA W. MURPHY  
DIRECTOR

Dear Chairman McKeon and Ranking Member Smith,

NATIONAL OFFICE  
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On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million members, countless additional activists and supporters, and 53 affiliates nationwide, we are writing to you as the House Armed Services Committee begins consideration of the National Defense Authorization Act (NDAA) for Fiscal Year 2012 to urge strong opposition to any effort to delay implementation of or reverse "Don't Ask, Don't Tell" (DADT) repeal.

OFFICERS AND DIRECTORS  
SUSAN N. HERMAN  
PRESIDENT

ANTHONY D. ROMERO  
EXECUTIVE DIRECTOR

ROBERT REMAR  
TREASURER

Late last year, the House and Senate, with wide and bipartisan majorities in each chamber, passed legislation providing for the orderly repeal of the discriminatory and unconstitutional DADT policy, which has barred lesbian, gay and bisexual service members from serving openly. This legislation, which was signed into law (Public Law 111-321) by President Obama, will not take effect until President Obama, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff certify that the new law will not have a negative impact on readiness, recruitment, retention, and other key factors affecting the military. While some have proposed expanding the number of officials required for certification as a way to slow the process down, Secretary Gates has consistently rejected the suggestion, including in testimony before the Senate Armed Services Committee in December 2010.

All indications point to a smooth and orderly transition currently underway to open service for lesbian, gay and bisexual service members. In testimony before the House Armed Services Committee on April 7, the service chiefs

testified to that effect. For example, Marine Corps Commandant, General James F. Amos, stated:

And I'm looking specifically for issues that might arise coming out of the...training. And to be honest with you, Chairman, we have not seen it.

...there hasn't been the recalcitrant push-back. There's not been the anxiety over it from the forces in the field. I will tell you that I asked specifically this morning from Major General [John A.] Toolan. I said, John, what are you seeing in the young Marines that are out there? He said, sir, quite honestly, they're focused on the enemy.

There is simply no reason for Congress to delay or reverse a process that is being capably handled by the uniformed and civilian leadership of our nation's military.

This is in keeping with the findings of a comprehensive Pentagon report released on November 30, 2010, which found that a large majority of respondents to a survey of active-duty and reserve service members and their families said that ending the "Don't Ask, Don't Tell" policy would not have an adverse effect on military operations. In particular –


- 70 percent of service members said they would be able to “work together to get the job done” with a gay service member in their immediate unit;
- 69 percent said they worked in a unit with a coworker that they believed to be lesbian, gay or bisexual; and
- 92 percent of those stated that their unit's “ability to work together,” with a gay person was “very good, good or neither good nor poor.”

More than 14,000 committed service members have been fired under DADT simply on the basis of their sexual orientation. Congress wisely acted to bring an end to this senseless and costly discrimination. The implementation process that the military undertook following passage of the repeal legislation last year has been smooth and orderly. There is no reason for Congress to step in now to delay or reverse the current process of moving to open service. Its time has come. As Joint Chiefs Chairman, Admiral Mullen, eloquently stated in his testimony before the Senate Armed Services Committee in December 2010:

You do not have to agree with me on this issue. But don't think for one moment that I haven't carefully considered the impact of the advice I give on those who will have to live with the decisions that advice informs. I would not recommend repeal of this law if I did not believe in my soul that it was the right thing to do for our military, for our nation and for our collective honor.

We urge this committee to reject any effort to use the fiscal year 2012 NDAA bill as a vehicle to delay implementation of or reverse DADT repeal.

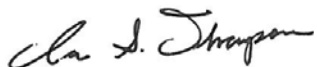
Sincerely,

Handwritten signature of Laura W. Murphy in black ink.

Laura W. Murphy  
Director, Washington Legislative Office

Handwritten signature of Christopher E. Anders in black ink.

Christopher E. Anders  
Senior Legislative Counsel

Handwritten signature of Ian S. Thompson in black ink.

Ian S. Thompson  
Legislative Representative