



Center for Military Readiness



Promoting high standards and sound priorities for our military men and women.

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Pentagon “Gays-in-the-Military Show” Lets Down the Troops

Senate Will Not be Misled or Rushed Into Hasty Repeal

Following release of the Pentagon’s **Comprehensive Review Working Group (CRWG)** report on the issue of lesbians, gays, bisexuals and transgenders in the military, **Elaine Donnelly**, President of the **Center for Military Readiness**, issued the following statement:

“At a time of growing uncertainty and concern about America’s national security, it is unsettling to see Secretary of Defense **Robert Gates** and Joint Chiefs Chairman **Adm. Mike Mullen** devoting so many hours this week to well-orchestrated but superficial media events designed to deliver on President Obama’s political campaign promises to the **LGBT Left**. Yesterday’s briefings were quite a show and they gave it their best shot. The grim faces of Mullen and Gates, however, betrayed an inconvenient truth: **The CRWG Report does not mention a single beneficial result of repealing the 1993 law, which would *strengthen* recruiting, retention, and readiness in the All-Volunteer Force.**

“Instead, Secretary Gates and Adm. Mullen let down the troops by demanding involuntary acceptance of unnecessary burdens that disregard the normal human desire for privacy and modesty in sexual matters. Elevating unrealistic theories over practical experience, yesterday’s presenters tried but failed to divert attention from information buried in the report. Page 74, for example, reports that **‘Nearly 60% of respondents in the Marine Corps and in Army combat arms said they believed there would be a negative impact on their unit’s effectiveness in this context; among Marine combat arms the number was 67%.’**

“Neither official showed any concern about the thousands of experienced troops, starting with but not limited to the chaplains, who would be subject to career-ending “Zero Tolerance” penalties if they do not support mandatory LGBT Law and corollary policies in our military.

“Recommendations for LGBT training curricula and living conditions that elevate the risk of sexual misconduct, both voluntary and involuntary, betray skewed priorities reflecting the president’s political promises. **Denials of these risks were no more convincing than endorsements of body armor with a risk of failure estimated to be “only” 10%.**

“Living conditions offering little or no privacy are difficult, and combat missions are hazardous enough. Why are these officials pushing for radical, unneeded social changes that would make military life more difficult and ultimately more dangerous in the All-Volunteer Force—the only military we have?

“**Secretary Gates cannot have it both ways—claiming that the “Comprehensive Review Working Group” survey was not intended to be a ‘referendum’ of the troops, while**

simultaneously allowing media reports to claim that it was. The truth is that military personnel and families who support the current law were not given an equal opportunity to have their views respected and reported. None of the CRWG survey instruments include the basic question of interest to Senator McCain and most members of Congress: *Should the 1993 law be retained or repealed?* It was not enough to ask the troops to suggest remedies for irresolvable problems that could be avoided by simply retaining the 1993 law.”

Donnelly continued, “Secretary Gates’ claim that congressional action is needed to head off precipitous court orders does not qualify as a positive argument—In fact, those comments suggest that DoD General Counsel and CRWG Co-Chair **Jeh Johnson** forgot to tell his boss about a problem that other legal experts recognize. The rogue ruling of San Diego **U.S. District Judge Virginia Phillips**’ in the **Log Cabin Republican** case challenging the constitutionality of the current law, Section 654, Title 10, U.S.C., is being appealed and likely will be overturned by the **Supreme Court** if not by the **Ninth Circuit Court of Appeals**.

“The Phillips ruling purported to seize policy-making power over the military despite many precedents confirming “deference” to Congress under Article 1, Section 8, of the U.S. Constitution. **If Congress rushes to repeal the law, all appeals will be dropped, leaving the outlandish ruling of San Diego District Judge Virginia Phillips to stand as precedent within the Ninth Circuit.**

“If this happens, future plaintiffs will seek similar court rulings striking down *any* military law or policy they don’t like. If Secretary Gates does not want west-coast federal judges making policy for the armed forces, he should stop encouraging Congress to repeal the law in the lame-duck session.

“Furthermore, Secretary Gates should not complain about several days of unnecessary turmoil that occurred when the Defense Department imposed on- and off-again changes in eligibility regulations. Both Gates and DoD General Counsel Jeh Johnson were themselves responsible for causing unnecessary confusion when they rushed to bow to Judge Phillips’ worldwide injunction halting enforcement of the law.

“The U.S. Senate and the Congress as a whole will not be fooled by showmanship reflecting the Hollywood background of Adm. Mullen. The American people will demand that they take this issue seriously, and the troops deserve no less.”

As announced on Monday, the Center for Military Readiness and the Military Culture Coalition have prepared a [Format for Evaluation of the CRWG Report](#), which will measure the CRWG product against the official “**Terms of Reference**” (TOR) that Secretary Gates set forth as guidance on March 2, 2010, applying objective standards of review. Key factors will include, for example:

- **Priorities and Standards of Review**
- **Clarity of Definitions**
- **Information Accuracy**
- **Inclusiveness, Fairness, and Scope of Inquiries**
- **Survey Methodology**
- **Judgment in Formulating Recommendations for Implementation**

To simplify the inherent complexity of the CRWG report, “**Report Card**” letter-grades and numerical equivalents will be used to measure the Working Group’s accomplishment of assigned tasks and purposes. In the meantime, persistent questions suggesting unsatisfactory grades on the Pentagon’s report should serve as a caution to Congress: More time is needed to consider the importance of the current law and the consequences of repeal legislation, which is embedded in the Defense Authorization Bill.

To schedule a Washington, D.C.-area interview on this subject, please contact CMR President **Elaine Donnelly** and Executive Director **Tommy Sears**, Washington office number **202/347-5333**

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