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## FOR THE RECORD

**TESTIMONY OF CONGRESSWOMAN CAROLYN MALONEY**  
**Before a Joint Hearing of the New York City Council**  
**Civil Rights and Veterans Committees**  
**on Council Resolution 1170**  
**Condemning the "Don't Ask, Don't Tell" Policy in the U.S. Military**

**New York City Hall**  
**Friday, June 25, 2008**

I would like to thank Speaker Quinn, Chairman Seabrook, and Chairman Monserrate for giving me the opportunity to submit testimony expressing my strong support for Council Resolution 1170, which calls on the President, the U.S. Congress and the U.S. Department of Defense to rescind the current "Don't Ask, Don't Tell, Don't Pursue" policy and to allow lesbian, gay and bisexual persons to serve openly in the military.

From the initial introduction of this profoundly misguided policy in 1993, I have never wavered in my belief that our nation's armed forces should not discriminate against otherwise qualified citizens on the basis of their sexual orientation. Today, at a time when our nation is engaged militarily in both Iraq and Afghanistan, the extent to which the so-called compromise "Don't Ask, Don't Tell" policy has damaged America's military readiness has become even more apparent than it was fourteen years ago.

The policy against allowing lesbian, gay, and bisexual service members to serve openly has resulted in depriving our armed forces of the abilities, experience and dedication of more than 12,000 qualified active duty personnel. This institutionalized discrimination is completely illogical and counter-productive as we grapple with an increasingly dangerous world and continue to over-extend our military through engagements all across the globe.

The U.S. Government Accountability Office (GAO) has documented the cost to our nation. In 2005, the GAO estimated the cost of discriminating against service members on the basis of their sexual orientation at nearly \$200 million over the course of just the last decade. This estimate may, in fact, be too low, as the GAO itself

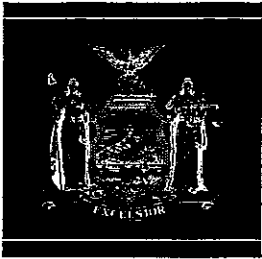
acknowledged and as other studies conducted by reputable academic institutions like the Michael Palm Center at the University of California have documented.

Advocates for the “Don’t Ask, Don’t Tell” policy continue stubbornly to cite elusive factors to justify its inherent institutionalized discrimination. The most common argument is the specious insistence that “unit cohesion” among the armed forces will suffer if lesbians, gay men, and bisexual persons are allowed to serve openly – an argument that even Richard Cheney, while serving as the Secretary of Defense during the presidency of George H. W. Bush, acknowledged in congressional testimony was “a bit of an old chestnut.” Then-Secretary Cheney was right – and it’s time to throw that chestnut on an open fire and consign it forever to the ashbin of history.

The fact is that many other nations – including trusted allies whose armed forces are respected around the world such as Great Britain, Israel, Australia, and Canada – have allowed their citizens to serve in their armed forces regardless of their disclosure of their sexual orientation. It is high time that the United States of America, which prides itself as a beacon of liberty and equality, joins their ranks.

I urge the members of the New York City Council, on which I proudly served for a decade, to pass Resolution 1170. Doing so will reaffirm New York City’s and New Yorkers’ rightful place on the front lines of one of the greatest civil rights struggles of our time.

Thank you.



*News from ...*

# SENATOR THOMAS K. DUANE

29TH SENATORIAL DISTRICT • NEW YORK STATE SENATE

## **Testimony of New York State Senator Thomas K. Duane to the New York City Council Committees on Civil Rights and Veterans Regarding a Resolution Calling for the Repeal of the U.S. Department of Defense's "Don't Ask, Don't Tell" Policy**

January 25, 2008

My name is Thomas K. Duane and I represent New York State's 29th Senate District, which includes the Upper West Side, Clinton/Hell's Kitchen, Greenwich Village, and part of the East Side, including the East Village, Stuyvesant Town, Peter Cooper Village and Waterside Plaza. Thank you for the opportunity to present testimony before the New York City Council Committees on Civil Rights and Veterans regarding Proposed Resolution 1170-A, which calls the United States President, Congress and Department of Defense to rescind the current "Don't Ask, Don't Tell" policy and institute a policy that allows lesbian, gay, bisexual and transgendered persons to serve openly in the U.S. military.

As someone who has in the past introduced a similar legislative resolution in the New York State Senate, I applaud City Council Speaker Quinn and Council Member Mendez and so many of their colleagues [Council Members Seabrook, Monserrate, Avella, Brewer, Foster, Jackson, James, Koppell, Nelson, Palma, Weprin and Gerson] for this effort. If passed, this resolution will send a strong message to the President, Congress and our military leadership that New Yorkers support enhanced military readiness and oppose the discriminatory "Don't Ask, Don't Tell" policy.

There was no good reason for the "Don't Ask, Don't Tell" policy to be implemented and there is even less good reason for it to persist. While everyone who wants to serve his or her country should be able to do so, this is an issue of national security and fiscal responsibility as well as a matter of fairness.

According to a report released in 2006 by a University of California Blue Ribbon Commission, in the decade after "Don't Ask, Don't Tell" was enacted in 1993, over 10,000 service members were discharged from the U.S. military at a cost of more than \$360 million to the federal government. Given the numerous military, peacekeeping and humanitarian projects in which our armed forces are currently engaged, it is outrageous that two to three service members are discharged every day under this backward, unjustifiable policy.

There are numerous other problems with "Don't Ask, Don't Tell," including:

- **"Don't Ask, Don't Tell" Hurts Military Readiness.** Of the 10,000 plus service members who were discharged in the first ten years of the policy, almost 800 had skills that were deemed critical by the military, according to the 2005 Government Accountability Office (GAO) report, including Arabic linguists and intelligence analysts. During a time when our military is overburdened and our government is having trouble recruiting qualified applicants, estimates are that some 40,000 additional people would enlist if lesbian and gay Americans were allowed to openly serve their country.
- **Repealing "Don't Ask, Don't Tell" supports all of our troops.** According to the Urban Institute report "Gay Men and Lesbians in the U.S. Military," an estimated 65,000 members of our military serve in fear of discharge because of their sexual orientation. There are over 1 million veterans who are dishonored by the current policy, and whose service is not properly respected because of the stain of "Don't Ask, Don't Tell." Defense Department studies have never been able to show that unit cohesion is compromised by the presence of gay, lesbian, or bisexual service members.
- **There is widespread support for the repeal of "Don't Ask, Don't Tell."** According to a May 2007 CNN poll, 79% of Americans are in favor of allowing people who wish to serve their country to do so openly and without hiding their sexual orientation. Already, the federal CIA, FBI, DIA and Secret Service all allow open service. A full 25 other nations allow open service, including nine who have fought with us in Iraq.

The fact is, the U.S. military's current policy banning open service by gay, lesbian and bisexual Americans hurts our military's readiness, dishonors our veterans and current service members, is immoral and discriminatory, and is wildly unpopular locally, nationally, and worldwide. I thank the City Council's Committees on Civil Rights and Veterans for holding this hearing and urge you to pass Proposed Resolution 1170-A.

## AMERICAN VETERANS FOR EQUAL RIGHTS NEW YORK



AMERICAN VETERANS FOR EQUAL RIGHTS

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January 25th, 2008

The Council of the City of New York Committee on Veterans  
Re: Resolution 2007-1170  
to Rescind the current "Don't Ask, Don't Tell, Don't Pursue" policy

Testimony by Denny Meyer  
National Public Affairs Officer, American Veterans For Equal Rights  
President, American Veterans For Equal Rights New York

I am an American veteran who served for ten years in two services during and after the Vietnam Era, leaving the service as a Sergeant First Class. I left honorably, by not reenlisting, in order to be able to live freely as a gay person, rather than continuing to hide my personal identity. I had volunteered to serve my country as a first generation American child of Holocaust refugees from Hitler's tyranny of hate in Europe. My mother arrived at Ellis Island in 1938 as an illegal immigrant refugee. I wanted to pay my country back for my family's freedom and did so, in uniform, for over a decade. When I left the service, I took with me ten years of training, experience and leadership.

It has been estimated that, currently, over 3500 gay and lesbian men and women mostly senior enlisted personnel, simply do not reenlist each year. That is an entire Brigade of highly skilled leaders lost each year due to a policy of ideological bigotry that requires them to hide and lie about who they are. This is in addition to the more than 12,000 discharged due to homosexuality in the past 14 years since the Don't Ask Don't Tell policy was enacted by Congress. The fourteen brigades of highly trained and experienced leaders lost in those years far exceeds the current recruiting shortfall of our armed forces in this time of the War on Terror when our troops are needed around the world to defend freedom.

Our American military is a unique example to the world, in which women and men, black and white, Jewish, Christian, and Muslim, gay and straight, Hispanic, Asian, and so many others all serve together in a united force dedicated to fostering and preserving freedom.

The Congressional Military Readiness Enhancement Act, which this resolution asks the NY Delegation to support, would repeal DADT and allow all patriotic Americans to choose to volunteer to serve in our nation's armed forces, without discrimination, regardless of sexual orientation.

The New York City Council is commended for considering this, its second DADT repeal resolution reiterating its commitment to LGBT rights. The Council's first DADT Resolution (Res. 2004-438a), passed in 2005, was the first such city resolution in the nation which led to similar resolutions in San Francisco, Los Angeles, Chicago, St. Louis, Atlanta, Portland, Tucson, and the State of California, among others. AVER is proud to have initiated that first resolution and to fully support passage of the current essential reiteration.

**Statement by Cholene Espinoza on New York City Council Resolution 1170**  
**“To allow lesbian, gay and bisexual persons to serve openly in the US military”**  
**January 25, 2008**

As a resident of the city of New York, a Veteran, and a very grateful citizen of this country, I thank you for your willingness to consider Resolution No. 1170. This resolution calls for the end to federally mandated discrimination in our armed forces. As Amelia Erhart once said, “Courage is the price life exacts for granting one’s freedom.” Your courage today will not only expand freedom in this country, but it will also make our nation more secure.

I am also grateful to two groups, the New York Chapter of the American Veterans for Equal Rights (AVER) represented by Denny Meyer who championed the first New York City Council resolution for open service and thereby began a national trend. I am also grateful to the Servicemembers Legal Defense Network (SLDN) where I serve on the board. SLDN has two roles, one to end the ban on gays in the military and to provide free legal services to those adversely impacted by Don’t Ask Don’t Tell regardless of their sexual orientation. SLDN has championed the Military Readiness Enhancement Act, which will overturn the existing law known as Don’t Ask Don’t Tell. We currently have 141 sponsors in the US House of Representatives and are awaiting a sponsor to introduce this legislation in the Senate. I believe your resolution will put pressure on those who are sitting on the sidelines.

To give you some background on me, the US military was my conduit to the *American Dream*. I was blessed to graduate in the seventh class of women at the United States Air Force Academy in 1987, and from there I went on to flight school. I was a jet instructor pilot for four years before being the second woman to be selected to fly the U-2 Reconnaissance aircraft. I flew missions all over the world to include combat missions over Iraq. I have seen Iraq alone from above 70,000 feet from the cockpit of a U-2. I have also seen Iraq at 5.5 feet as an embedded journalist with the US Marine Corps 1<sup>st</sup> Tank Battalion in an unarmored Humvee on the invasion of Iraq in 2003 and with the US Army’s First Armored Division in Baghdad in the summer of 2003.

The estimated cost to the American taxpayers for my training was close to \$2.0 million dollars. Today, I am a commercial airline pilot and while I am grateful for my job, my heart is still with the men and women in uniform who are serving today. I wish I were one of them. I feel an enormous sense of responsibility to them as well as to the Iraqi people. They face a 360-degree threat zone that requires the finest human resources.

I did not violate the military’s policy prohibiting homosexual conduct during the thirteen years I wore the uniform. I left the military voluntarily. I believe that my country needs my service today, but my personal integrity is the most important value I hold. I cannot pretend to be someone I am not as Don’t Ask Don’t Tell requires.

The American people take that phrase “Don’t Ask Don’t Tell” at face value. Most believe that the policy allows a person to serve as a gay American so long as he or she

does not tell anyone. Unfortunately, as we know from our SLDN client base of approximately 75 cases at any one time, men and women can be discharged because someone else "tells," such as a mother who can't stand the thought of her son returning to Iraq, or a jealous partner, or an intercepted innocent e mail from an admirer back home. And because the criterion for discharge is "credible evidence from a reliable source," with no standard for what "credible" or "reliable" means, the policy is arbitrarily enforced at the discretion of the commander.

Personal vendettas are not uncommon. For example, SLDN could not save the career of a heterosexual US Air Force Officer who was wrongly accused of passing a dollar bill by mouth at the Squadron Christmas party even though several witnesses, including his wife sitting next to him all night, said it never happened. After nineteen years of service, he was discharged for "homosexual conduct," which is permanently stamped on his discharge record—a record typically required by future employers. Another SLDN client was investigated after a random barracks inspection turned up a Melissa Ethridge CD. The thinking was that since Melissa Ethridge is a lesbian, this soldier must also be a lesbian. Over 8000 have reached out to SLDN since Don't Ask Don't Tell became law in 1993.

On the other hand, SLDN client Sergeant Darren Manzella, who was featured in Leslie Stahl's *60 Minutes* piece, was allowed to serve even though he showed his commander clear evidence that he is gay. Of course neither Sergeant Manzella, nor others who serve openly gay can be sure that they won't be discharged when they are placed under another individual's command.

The military has changed a great deal since I left in 1995. The younger generations are unwilling to live a lie. Collectively they embrace diversity and demand honesty and transparency, particularly as they lay their lives on the line each day. There is a bond of trust and intimacy between those who face the threat of daily extinction. Sergeant Manzella told me that he could not live a lie given the fact that he was facing life and death daily as a combat medic. His fellow soldiers were his family and honesty was essential.

None of the arguments that are put forth by the opposition in terms of gays reducing unit cohesion or readiness have ever been proven in the field. Ironically, now that we are fighting two wars, discharges for homosexuality are down and SLDN has been able to save a record number of careers. Even before Don't Ask Don't Tell became law, the RAND corporation, which was commissioned by the Department of Defense to study the impact of allowing gays to serve openly, concluded that there is no evidence to support the hypothesis that gays reduce unit cohesion or readiness.

Since RAND's initial study, we have data from 24 nations that strengthens RAND's fifteen-year-old conclusions. But more importantly, our own combat tested troops on the ground reveal that homosexuality is a non-issue. SLDN knows of at least 500 service men and women serving openly. Ironically, those in the closet are the ones who

experience the harassment. The sum of this data points to the fact that that the real reason for the continued policy is bigotry, not military readiness or cohesion.

Don't Ask Don't Tell, not gays serving openly, is what is having a negative impact on the quality and readiness of our uniformed services. The policy was crafted at the end of the Cold War. The military was in an involuntary Reduction In Forces or "RIF" mode. Today, we cannot find enough fully qualified to keep up with the required deployments.

The Army had to reduce its standards in 2006 in order to meet its recruiting goals. Convicts and individuals previously unqualified physically and/or mentally are thrown in with our troops who met the original standards. Imagine showing up to work tomorrow and your new co-worker has a history of violent behavior, or can't meet the mental standards required be a qualified team member? The cost of this reduction in standards has also tarnished the honor and reputation of our armed forces. It was disclosed, for example, that a member of the 101<sup>st</sup> Airborne Division had been a recipient of a "moral waiver" from the US Army after he was charged with a rape and quadruple murder in Iraq. Meanwhile, the US military discharges two members a day under Don't ask Don't Tell, and well over 4400 since 2001, with over 800 discharges of members in critical fields such as strategic languages, medical professionals, combat engineers, and explosives experts.

While the recruitment argument is compelling, the retention numbers have a much more damaging impact to readiness. It is estimated that approximately 4000 troops voluntarily walk out the door every year. Just as I did, they take their skills and never turn back. It takes one linguist, for example, to intercept a communication that would lead to a terrorist attack or detect the location of an Improvised Explosive Device. The military has discharged over 58 Arabic linguists that we know of. Many of these linguists are clients of SLDN and never practice their language skills after leaving the military.

The voices for change are exceptionally credible. Distinguished military and civilian leaders who were originally for Don't Ask Don't Tell have changed their mind. Senator Alan Simpson, Retired Republican US Senator and member of the Iraq Study Group, General Shalikashvili, Former Army Chief of Staff, and recently 28 Flag Officers are included in these distinguished voices for change. The voices of dissent that have based their position on their own internalized homophobia and/or political expediency are weakening in the military as well as the Congress.

The public is ready for Congress to pass the Military Readiness Enhancement Act. Three national independent polls indicate that approximately seventy-eight percent of the American people are in favor of gays being allowed to serve openly. This is almost the reverse of the number of Americans who *opposed* President Truman, (sixty-three percent), when he desegregated the military in 1948. Those in favor of ending the ban increase to over ninety percent for ages 18-29. In addition, a majority of self-identified conservatives and Republicans support repeal as well as regular church-goers and those who do not support any other measure related to civil liberties for LGBT citizens.



Finally, our nation is investing hundreds of billions of dollars into defense, but this investment is useless without quality people. No matter who the next Commander in Chief might be, the demand for quality men and women in uniform will not end. Over the years, I have learned that when we expand the liberty of the individual, we are collectively strengthened. Thank you for voting to give the 65,000 gay Americans currently serving our nation the freedom to serve. We will be a better and more secure nation because of your actions.

## **Facts Regarding Federal Statute 10 USC 654: "Don't Ask, Don't Tell"**

### **Reasons for discharge under this law:**

Making any statement to anyone at anytime (even to parents, best friend, therapist, minister, doctor, online, etc) to directly state or even insinuate that he or she is homosexual.

Any act that displays a propensity to engage in homosexual conduct (to include hand-holding, dancing, hugging, etc)

Any attempt to marry or have a commitment ceremony with someone of the same gender

### **Myths:**

A service member is safe if he is discreet about his lifestyle. This is not true. In fact, DADT calls for a completely celibate life for a gay service member.

He is safe as long as he doesn't tell the other service member he works with. This is not true. The gay service member cannot trust anyone because anyone can turn him in and start an investigation.

**"Don't Ask, Don't Tell" is almost identical to the pre-1993 ban on gays in the military.** The main difference is the ban is now a Federal Statute in the hands of Congress rather than in the hands of military leaders.

**This statute does not: Prohibit asking, Limit investigations, or Stop harassment.** There's nothing in the language of the law that punishes anyone for asking, only in telling.

### **Impact:**

More than 12,000 gays and lesbians have been discharged since 1993. That's approximately 2 or 3 service members per day.

Nearly 800 of these are in critical job fields: Arabic linguists, medical, law enforcement, aviation, military intelligence, etc.

The cost of discharging qualified personnel has been more than \$360 million

### **Reasons to Repeal:**

Loss of critical skills and personnel hurts military readiness in a time when we need it the most.

The American public supports a repeal (approx. 79%)

There is growing support from military leaders.

A majority of service members is comfortable around gays (75%, according to a Zogby poll).

24 allied nations allow gays to serve (including Israel and Britain). Reports show no problems with unit cohesion, military readiness, morale, retention, or recruiting.

In the United Nations, only the U.S., Russia, and China prohibit gays from serving openly. In NATO, only Turkey and the U.S. ban gays from open service.

Other U.S. Federal agencies do not discriminate (CIA, FBI, NSA, defense contractors).

Many of these gay employees are currently in Iraq in integrated units with our soldiers.

My name is Rhonda Davis, former Petty Officer 1<sup>st</sup> Class in the Navy. I served in the military for nearly 12 years before I was fired. I won many awards, I rose quickly to a relatively high rank, and I was an exceptional sailor. I wasn't fired for incompetence or insubordination ... I was fired simply for being in love with another woman.

When I entered the Navy in 1995, I was 26 years old. I had my Bachelor's degree and was working on my Master's in Education. I was on my way to becoming a college Literature professor, still something else was calling me. I wanted to see the world. I wanted to do something meaningful and fulfilling. I wanted to be like my father who had also served in the Navy.

"Don't ask, don't tell" had only been around a little more than a year by the time I enlisted ... but that didn't stop me from being honest with most of my fellow shipmates about my sexual orientation. Everyone important to me already knew I was gay: my family, my friends, people I went to college with -- so it would have been mentally and emotionally impossible to go back into the closet after having struggled so long to come out of it in the first place.

And to be honest with you, I didn't fully understand the policy. In fact, I told my recruiter I was a lesbian and asked if that would be a problem -- I even brought my girlfriend into the recruiting office with me -- and he told me that I'd be ok as long as I was discreet. As he handed me a stack of papers to sign, he explained that no one cared if I was gay or not, so long as I did my job and was a good sailor. I thought: I can live with that.

That's one of the biggest myths about DADT: that gays and lesbians can serve as long as we're discreet ... as long as we refrain from bragging about or talking about our sexual conduct while in uniform, and that we refrain from sexual conduct while in public or in uniform. I could have lived with that. I never talked about sex or engaged in sex in public anyway -- so no big deal.

But DADT is just a catchy name for the Homosexual Conduct law -- Federal Statute 10 USC 654 -- which prohibits a servicemember from making any statement to anyone at anytime that you're gay or to even insinuate that you're gay. This is even to your parents, best friend, therapist, minister, doctor, online, etc. The law also prohibits a servicemember from engaging in any kind of homosexual conduct anywhere anytime -- even in the privacy of your own bedroom in your own home.

The law demands that gay and lesbian servicemembers be celibate, and that's an unreasonable thing to expect of anyone. What's more ... "conduct" is broadly defined as hand-holding, slow dancing, even hugging. The law further prohibits servicemembers from marrying or having a commitment ceremony with anyone of the same gender. Given the fact that same sex couples are allowed to marry in Massachusetts and various places abroad and are allowed domestic partnerships -- this is also an unreasonable demand.

So this “don’t ask, don’t tell” policy that I thought I could live with when I enlisted – turned out to be a law that allows me to serve my country only if I give up any chance I have at intimacy, love, and happiness. It’s a law that takes away every shred of dignity and integrity that I have. It’s a law that stomps on my freedom of speech and privacy. It’s a law I definitely could NOT adhere to.

So I didn’t.

I wasn’t celibate – I was a sailor, after all. And I was relatively open about my sexual orientation. I promised myself early on to live by the Navy’s core values of honor, courage, and commitment, and lying (even if only lying by omission) goes against everything we’re taught.

So I went from day to day not using the “he” pronoun when I meant “she,” as many other gay servicemembers do. I didn’t say I was dating “Steve” if I was dating “Eve.” I maintained my honesty and my integrity – and for that I am grateful to God for giving me the courage to play Russian Roulette every day with my career and with my life.

Because at any moment, any one could have ended my career – my cousin could have called my commander and turned me in, a disgruntled ex-girlfriend could have turned me in, a troop I had yelled at for being late could have turned me in. In fact, a guy who always asked me out only to be rejected 49 times threatened to turn me in, but never did.

And that’s why DADT is such a cancer. Maybe for some people like myself, it’s a cancer in remission – you go on from day to day and it’s not so traumatic that you can’t live with it, but it’s always there – like a dark spot on an X-ray – and even if you go to work today and aren’t affected by it ... you’re allowed to keep your job for one more day – you still know that at any moment, the cancer that is “don’t ask, don’t tell” could kill your career.

As a matter of fact, every time I saw my boss’s door closed at work, I thought he was in there discussing how to get rid of me. I used to feel sick when I knew that all the senior people were in a meeting because I swore that it was about me – that someone had turned me in, made a case about my sexuality, and they were drafting up the discharge papers.

I survived – and was successful – in the Navy because I kept the people I trusted close to me, and I avoided everyone else. I avoided the Navy ball because I couldn’t bring the date I wanted to bring. I avoided the Valentine’s dances because my valentine had to be a secret. And I missed out on many things that the heterosexual servicemembers enjoy and take for granted every day.

And that kind of discrimination is un-American. It’s been estimated that there are approximately 65,000 gay and lesbian servicemembers in the U.S. military. These people have volunteered to serve their country, to perhaps even die for their country, and we should respect and honor them, not burden them with unreasonable demands and make them live by a double standard.

“Don’t ask, don’t tell” drained me – and it drains all the gays and lesbians who are serving or have ever served in the American military. Every year, servicemembers have to take a training refresher course on DADT and must sign a form acknowledging they cannot engage in homosexual conduct or make any statements to imply they’re homosexual. This drained me.

Every now and then, I would find some blatant homophobe at work talking loudly about faggots and dykes – because after all, DADT establishes a climate of hate, fear, and intolerance for gays. I would have to have that talk with them – that I was offended by that sort of language, and could they please refrain. Then a big discussion would ensue. That drained me.

I watched my fellow gay servicemembers suffer – one even considered suicide because her girlfriend had left her, and I didn’t know what to tell her. She couldn’t seek the help of a professional because she would have been kicked out. That drained me.

But the final straw for me was when I fell in love with a woman and I wanted to marry her, and I was forbidden by this policy. She was from Asia and came to this country to be with me, but had to leave because she couldn’t find a work visa. I really wanted to talk to a counselor or chaplain, but I couldn’t talk about her to a stranger because surely they would turn me in. I bottled up my pain then decided I needed to speak out.

I’m one of the lucky ones. My fellow shipmates respected and liked me, and the ones who knew I am gay (which were many) accepted me. They admired my honesty and my courage, and I think I’m living proof that homosexuals can serve openly without it disrupting the unit. I never went to work wrapped in a rainbow flag. I was a professional. I believe any gay person worthy of wearing the uniform would also be a professional if this policy were repealed. All hell won’t break loose. Twenty-five of our allied nations who allow gays to serve have proven that.

The DADT policy is an arbitrary one. When it comes to drug use, the military’s zero tolerance is enforced across the board – doing drugs clearly impairs your ability to be an effective service member. If you do drugs and are caught, you are kicked out. But DADT is altogether a different story. Many people know you’re gay, but look the other way because they know you’re a good sailor – yet some people’s personal prejudices and homophobia force them to enforce the policy in their work space. What so often happens is you get accustomed to being “open” at one duty station, then you’re transferred to another, stricter, more conservative environment, and there you have problems.

For as many gay troops who are out there, that’s how many stories there are to tell. Some are mostly-positive accounts of military life such as mine, others are of harassment, intimidation, and witch hunts. But every story about DADT points to one conclusion: DADT is just bad policy. It creates fear, resentment, and hostility. Those lead to stress our brave troops – gay or straight – just don’t need.

We – the undersigned -- respectfully call for the repeal of the "don't ask, don't tell" policy. Those of us endorsing this letter have dedicated our lives to defending the rights of our citizens to believe whatever they wish.

Scholarly data shows there are approximately one million gay and lesbian veterans in the United States today, as well as 65,000 gays and lesbians currently serving in our armed forces. They have served our nation honorably.

We support the recent comments of former Chairman of the Joint Chiefs, General John Shalikashvili, who has concluded that repealing the "don't ask, don't tell" policy would not harm, and would indeed help our armed forces. As is the case with Great Britain, Israel, and other nations that allow gays and lesbians to serve openly, our service members are professionals who are able to work together effectively despite differences in race, gender, religion, and sexuality.

Such collaboration reflects the strength and the best traditions of our democracy.

Signed,

Former Secretary of the Army Clifford Alexander, MG Dennis Malcor, MG James Delk, BG Dale Barber, MG Michael Scotti, MG Les Burger, BG Clara Adams-Ender, BG Robert Poirot, BG Donald Schenk, BG Douglas Bradley, BG JD Johnson, BG Philip Pushkin, BG Bob Hardy, VADM James Zimble, BG Harold Bowman, MG David Hale, MG Jack Farris, MG Dennis Laich, BG Phil Peay, Lt. Gen. Jerry Hilmes, MG Alex Burgin, MG Michael Conrad, BG William Colvin, MG Fred Forster, BG Daniel Wardrop, and MG Harry Sieben, MG Randy Jayne, RADM Charles Rauch, MG Lawrence Johnson, VADM Harold Koenig, RADM Robert Krasner, MG Alan Salisbury, and Lt. Gen. Claudia Kennedy.

## **Testimony by Heather Sarver to the NY City Council:**

Actual title of "Don't Ask, Don't Tell" is *Don't Ask, Don't Tell, Don't Pursue, Don't Harrass*. Few people know the last half of the title, primarily because it isn't enforced. The Dept of Defense has an anti-harassment action plan that has failed to be implemented.

I joined the Air Force as a Russian Linguist. I had a good experience the first couple of years in the Air Force. I loved learning Russian and doing my job. Translating and disseminating intelligence information was a high pressure job, but I thrived. Because of my good job performance I was made assistant supervisor of my section when I was stationed in San Antonio, TX. This is where all the trouble began. I heard horrible anti-gay jokes all the time. Because I knew this was against the rules I wrote up all of my subordinates who were involved. I spoke to them about why these rules were in place. Things went well for a few weeks and then the jokes started up again.

I continued to follow the rules and submit my paperwork to no avail. I tried to find out why nothing was being done about my write ups. I spoke to everyone up my chain of command and everyone seemed to give me the run-around. Finally I spoke to a Chief who said, "No one is allowed to be gay in the military, so I don't know why you are writing anyone up."

My next strategy to deal with the then hostile work environment was to appeal to my co-workers humanity. I said, "My brother is gay, and that is why those jokes are so offensive for me." (Which is true - my brother is also gay). That decision turned out to be a huge mistake. Every joke then involved my brother in some way, and they knew that I was highly offended so the jokes were non-stop. I felt that I was losing control as a

supervisor because I didn't have the Air Force behind me. The rules were just paper and had no value without enforcement.

One morning sitting in my car before I was about to go into work, I felt a sharp pain in my chest. I thought I was having a heart attack. I was taken to the hospital and they told me I had experienced an anxiety attack. They wouldn't prescribe medicine, just counseling. I couldn't tell the counselor everything I was going through because there is no doctor/patient confidentiality in the military. Work never got better. The jokes just escalated until our work productivity suffered. The anxiety attacks kept happening in more frequency. I felt trapped.

Finally, out of self-preservation, I went to the commander and I told her I was gay. I explained that I was coming out because of the hostile work environment, no one answering my write ups, refusing to let me transfer offices or bases, and because of the outright failure of leadership. She looked through my file and told me she wanted to give me 48 hours to think it over and change my mind because she didn't want to lose me. I said "I have definitely thought it over, and I will not change my mind."

I was discharged a few weeks later.

My question is this, "Have you ever heard of anyone discharged for *asking?*"

The "Don't Ask" portion of the law isn't enforced. The "Don't Pursue" isn't enforced. The "Don't Harrass" isn't enforced. If the only part of this policy that is enforced is the right to define yourself, then why do we need this law?





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**Testimony of the New York Civil Liberties Union  
Staff Attorney Matt Faiella**

before

**The Council of the City of New York  
Committee on Veteran Affairs  
and  
Committee on Civil Rights**

regarding

**Proposed Res. No. 1170-A: Resolution calling on the President, the U.S. Congress and the U.S. Department of Defense to rescind the current “Don’t Ask, Don’t Tell, Don’t Pursue” policy and allow lesbian, gay, bisexual and transgendered persons to serve openly in the military**

**January 25, 2008, 1 p.m. in the Council Chambers**

On behalf of the New York Civil Liberties Union (“NYCLU”), I present testimony this afternoon concerning Proposed Res. 1170-A, which calls on the President, Congress, and the Department of Defense (“DOD”) to rescind the “Policy concerning homosexuality in the armed forces,” known as “Don’t Ask, Don’t Tell, Don’t Pursue” (“DADT”), 10 U.S.C. § 654.

By way of background, the NYCLU is the New York State affiliate of the American Civil Liberties Union (“ACLU”), and has approximately 48,000 members across New York State. The NYCLU is devoted to the protection and enhancement of those fundamental rights and constitutional values embodied in the Bill of Rights of the

United States Constitution and the Constitution of the State of New York and long has worked on issues concerning privacy, personal autonomy, freedom of speech and expression, and the eradication of discrimination. Given that New York State has the fourth highest number, and New York City the fifth highest number, of gay and lesbian veterans across other states and metropolitan areas, respectively,<sup>1</sup> the NYCLU commends the City Council for taking a stand on this issue that is important to so many New Yorkers.

As an organization dedicated to preserving civil liberties and enforcing civil and constitutional rights, the NYCLU is opposed to DADT for a number of reasons. Among DADT's most disturbing attributes is that it is a vague policy that strips lesbian, gay, bisexual and transgender ("LGBT") service members of fundamental rights and liberty interests. The following passage demonstrates the real-life impacts of DADT on many service members.

Imagine hesitating every time a fellow service member asks about weekend plans. Imagine not being able to commit legally to your partner without fear of losing your career. Imagine not being able to enroll the child you adopted with your same-sex partner on your health care plan without fear of discovery. Imagine not being able to name your same-sex partner as a recipient on your life insurance without inviting scrutiny. Imagine not being able to have a picture of your family on your desk at work. The simplest, seemingly innocent act can spell discharge for the gay service member; their service mandates the sacrifice of silence.

Kathi Westcott & Rebecca Sawyer, *Silent Sacrifices: The Impact of "Don't Ask, Don't Tell" on Lesbian and Gay Military Families*, 14 *Duke J. Gender L. & Pol'y* 1121, 1121-22 (2007).<sup>2</sup>

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<sup>1</sup> Gary J. Gates, *Gay Men and Lesbians in the U.S. Military: Estimates from Census 2000*, The Urban Institute, Sept. 28, 2004, at Table 13, [http://www.urban.org/UploadedPDF/411069\\_GayLesbianMilitary.pdf](http://www.urban.org/UploadedPDF/411069_GayLesbianMilitary.pdf).

<sup>2</sup> At <http://www.law.duke.edu/shell/cite.pl?14+Duke+J.+Gender+L.+&+Pol'y+1121>.

According to its language, DADT prevents each service member from: (1) “engag[ing] in, attempt[ing] to engage in, or solicit[ing] another to engage in a homosexual act;” (2) “stat[ing] that he or she is a homosexual or bisexual, ... unless ... the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts;” (3) or “marr[y]ing] or attempt[ing] to marry a person known to be of the same biological sex.” 10 U.S.C. § 654(b)(1)-(3). The policy is allegedly based on the need to achieve unit cohesion because some service members might be homophobic.<sup>3</sup>

As the ACLU has argued, DADT violates the Fifth Amendment’s Due Process Clause because it strips LGBT service members of fundamental rights and liberties, including the right to form intimate relationships, and to personal autonomy and privacy. As recent as 2003, the U.S. Supreme Court has recognized that lesbian and gay individuals are just as deserving of these rights and liberties as their straight counterparts.<sup>4</sup> Likewise, DADT violates the First Amendment because it vaguely describes conduct that could suggest a service member is not heterosexual or straight. DADT’s very terms violate LGBT service members’ rights to freedom of speech and expression as well as their right to privacy and all of the protections associated with these rights.

LGBT service members cannot speak about their romantic relationships, engage in intimate conduct, or ever seek benefits for their loved ones. While the rights to engage in intimate relationships and speak openly about one’s own orientation are constitutionally protected for many others, DADT forces LGBT service members to

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<sup>3</sup> See *Able v. United States*, 155 F.3d 628, 635 (2d Cir. 1998).

<sup>4</sup> See *Lawrence v. Texas*, 539 U.S. 558, 564 (2003).

surrender these rights in order to keep their jobs. Banning LGBT service members from exercising their fundamental rights because of the putative homophobia that could theoretically disrupt unit cohesion does not constitute a rationally based policy. Furthermore, recent reports indicate that many service members have served openly without any disruption to unit cohesion.<sup>5</sup>

To discriminate against an entire group of individuals, who dedicate their lives to protecting our freedoms, from exercising their fundamental rights is nothing less than hypocritical and shameful. It also violates the Fifth Amendment's guarantee of equal protection. All service members already sacrifice a great deal of privacy and personal autonomy. However, DADT goes further and punishes LGBT service members by imposing only upon them the additional liberty-restrictive burdens discussed above.

Even more upsetting is the fact that DADT punishes service members' families. The partners and children of LGBT service members must remain in the shadows to protect these service members from discharge. In doing so, they are denied important medical, survivor and financial benefits that family members of straight service members receive without risk.<sup>6</sup> Why should the child of an individual serving in our military lack health insurance because her mother or father is not straight?

In addition, service members discharged under DADT face the possibility of employment discrimination even after leaving the military. The military's discharge

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<sup>5</sup> For instance, although Army Sgt. Darren Manzella came out as gay to his military superiors in August 2006, he has continued to serve successfully since then and no military personnel have yet initiated an investigation into his sexual orientation. See Suzanne Gamboa, *Soldier: Policy on Gays May Be Shifting*, Associated Press, Jan. 8, 2008, <http://ap.google.com/article/ALeqM5iusf0qzmyeUxdw-9g2DKh42LzkNwD8U21P1O0>.

<sup>6</sup> See generally Westcott & Sawyer, *Silent Sacrifices*, *supra* (thoroughly reviewing all of the partner and family benefits unavailable to LGBT service members' family members and noting that repealing DADT is the first step in bringing equality to the military).

form, "DD 214," marks those discharged under DADT as "homosexual" on the form. Because many non-military employers require submission of a discharged service member's DD 214 form, those service members discharged under DADT are permanently outed as "homosexual" when applying for jobs. While employers are prohibited in New York from inquiring about employees' sexual orientation, DADT makes it possible for employers to know without ever asking, which can lead to impermissible anti-LGBT discrimination.

Furthermore, the NYCLU is especially concerned with DADT's effects on youth. Bolstering the NYCLU's already strong opposition to the overwhelming presence of military recruiters in our schools is the fact that these recruiters, simply by being associated with the military and its discriminatory policy, are spreading an anti-LGBT message to our youth – LGBT, questioning and straight alike. These individuals, still in their formative years, are the most vulnerable to being dehumanized by DADT's anti-LGBT message. DADT legitimizes homophobic attitudes and tells our LGBT and questioning youth that they must repress their sexual orientation if they are to obtain the attractive opportunities of a military career. Telling a child or young adult that she only has access to these opportunities if she is straight is unconscionable. While New York City has a long history of providing equal opportunities for all of its LGBT residents, having our youth recruited by a discriminatory employer, in our own schools, completely undermines that history.

Finally, putting aside DADT's constitutional flaws, discriminatory effects, and detrimental impact on our youth, the NYCLU notes that DADT is simply a bad and ineffective policy. Statistics demonstrate that the military spends hundreds of millions of

dollars recruiting service members to replace those discharged under DADT.<sup>7</sup> Not only are extra funds wasted on recruiting, but highly qualified service members with specialized language skills allegedly have been banned from serving simply because some service members might be homophobic.<sup>8</sup> And DADT only nurses the existence of sexual harassment of women serving in the military by legitimizing the bating of women perceived to be lesbians. Wasting valuable resources to enforce a policy aimed at protecting homophobia should strike any policymaker as a bad idea. Lastly, given that so many other nations allow their service members to serve openly as LGBT people, DADT should be an embarrassment to the United States.

In sum, the NYCLU strongly supports calling on the President, Congress, and the DOD to rescind DADT. All service members should be allowed to serve without having to sacrifice their fundamental rights. Further, having a policy that singles out only LGBT service members is harmful not only to the service members themselves, but also to their families and children, and to potential military recruits. Wasting money and precious military resources based on the fear that homophobia will trump professionalism is poor policy, as is lagging far behind other nations in recognizing the value of all its service members – straight and LGBT. Therefore, the NYCLU strongly supports Proposed Res. 1170-A and the City Council's efforts to help rescind DADT so that LGBT people can serve openly in the military.

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<sup>7</sup> John Files, *Rules on Gays Exact a Cost in Recruiting, a Study Finds*, New York Times, Feb. 24, 2005, <http://www.nytimes.com/2005/02/24/politics/24gays.html>.

<sup>8</sup> *Id.* (“The investigators also said they could not quantify the cost of losing personnel discharged after having been trained in certain areas of expertise like intelligence or languages like Arabic, Chinese, Farsi or Korean.”)

**Testimony Before the Council of the City of New York  
(Delivered January 25, 2008)**

**Regarding Proposed Res. No. 1170-A:**

**“Resolution calling on the President, the U.S. Congress and the U.S. Department of Defense to rescind the current “Don’t Ask, Don’t Tell, Don’t Pursue” policy and allow lesbian, gay, bisexual and transgendered persons to serve openly in the military.”**

My name is Hayley Gorenberg, and I am the Deputy Legal Director of Lambda Legal, a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education, and public policy work. I’m pleased to that we are raising our voices together today in opposition “Don’t Ask, Don’t Tell,” which, as our colleagues at the Servicemembers Legal Defense Network say, “is the only law in the land that authorizes the firing of an American for being gay.”

There is great shame in having “Don’t Ask, Don’t Tell” as part of the governing law of our land. And there is great risk, not only to those who now attempt to serve under a cloak of silence but may have their careers destroyed at any moment, but also to our country, which suffers the loss of those who would serve with distinction in a time of great need. And there is illegality, as well, because “Don’t Ask, Don’t Tell” disintegrates under the constitutional analysis that carried the day five years ago, in Lambda Legal’s groundbreaking case, *Lawrence v. Texas*, which struck down all remaining state sodomy laws in the country and vindicated the constitutional right to express sexual intimacy in adult relationships.

Since the decision Lambda Legal secured in *Lawrence*, the Supreme Court has not addressed “Don’t Ask, Don’t Tell.” Because the policy bans military personnel from same-sex sexual contact, even in private, it effectively bars gays from serving. *Lawrence* held that the sexual intimacies and relationships of lesbian and gay consenting adults are protected under the shelter of an *existing* liberty interest, long recognized as fundamental to everyone — no matter their sexual orientation. Rather than finding a right to same-sex intimacy, *Lawrence* confirmed that lesbians and gay men share the same fundamental right that everyone else has to maintain private, intimate relationships and make personal choices about whom one will choose and what one will do within those consensual adult relationships. In contravention of those constitutional findings, “Don’t Ask, Don’t Tell” continues to blight the lives of our military personnel, as legal challenges wend their way through our federal court system.

## **Lambda Legal's History of Military Work**

Lambda Legal began fighting for fair treatment of service members decades before *Lawrence*. The work fits into our national priorities in several places at once. High on our list is the fight for fairness in the workplace. One-fifth of the 5000-plus calls to our national Help Desks each year concern discrimination at work. The military is a place of employment — employment that has provided a gateway to highly placed government service and elected office, in addition to providing more basic benefits, pensions, etc.

We see discrimination in the U.S. military bleeding into other core areas of Lambda Legal's civil rights priorities, as well. For instance, our fight to protect same-sex relationships obviously figures into the "Don't Ask, Don't Tell" advocacy. Sometimes, however, the relationship is less obvious, and perhaps more surprising. For instance, we recently represented a gay man in the military whose custody rights to his children were threatened by "Don't Ask, Don't Tell" when, in the course of his divorce, his soon-to-be-ex-wife mounted a custody challenge based, in part, on the fact that our client had a same-sex partner. Lambda Legal has a proud history over decades of defending clients against such antigay attacks. But in this case — as could be the case for any gay service member in such circumstances — the ability to exercise our client's fundamental right to parent his children was threatened by "Don't Ask, Don't Tell": He could have lost his job and his pension (and thus his mode of supporting himself and his children) if his identity and sexual orientation had become public in the course of filing court papers. Such cases further illustrate the devastating ramifications of "Don't Ask, Don't Tell" in both professional and personal arenas, as service members are pressed to assess whether exercising their rights constitutes "telling" their sexual orientation — while their careers hang in the balance. This is all the more true because there is no guarantee that service members filing a harassment complaint with the military will not themselves be "outed" in the course of the investigation, leading to the target of harassment's discharge under "Don't Ask, Don't Tell."

## **"Don't Ask, Don't Tell" on a Policy Level**

More than 20 other countries allow gay men and lesbians to serve openly in the armed forces, and numerous U.S. military officials, including retired General John Shalikashvili, former Chair of the Joint Chiefs of Staff, agree that the discriminatory policy is outmoded. When he retired in 1997, Shalikashvili was the nation's top-ranking military official. His *New York Times* op-ed in January 2007, titled "Second Thoughts on Gays in the Military," said that the military "must welcome the service of any American who is willing and able to do the job." Soon thereafter Defense Secretary William Cohen suggested that Congressional leaders should revisit "Don't Ask, Don't Tell." And retired Lieutenant General Claudia Kennedy, the first woman to achieve three-star rank in the Army, has called "Don't Ask, Don't Tell" a "hollow policy that serves no useful purpose."



Meanwhile, an October 2006 poll of active duty personnel, veterans and reservists who had served in Afghanistan or Iraq indicated that approximately three-quarters of the servicemembers said they were comfortable with gays and lesbians. A study in March 2007 by the Williams Institute indicated that since its inception, an estimated 43,000 gay and lesbian service members left the military because “Don’t Ask, Don’t Tell” prevented them from serving openly. Servicemembers Legal Defense Network’s studies also indicate a gender-based compounding of discrimination in the military under “Don’t Ask, Don’t Tell”: Although women account for about 15 percent of the armed forces, in 2005 nearly one-third of those who were dismissed under “Don’t Ask, Don’t Tell” were women.

And the war in Iraq has increased attention to the dismissals of 58 Arab language specialists from the military. In May 2007, several dozen members of the House of Representatives wrote the House Armed Services Committee about the dismissals compromising national security and failing to serve the nation well.

## **Conclusion**

To return to the legal analysis that I believe is Lambda Legal’s particular contribution today, I quote from the friend-of-the-court brief Lambda Legal submitted in the pending federal case of Major Margaret Witt. Witt, highly decorated throughout 19 years of military service, was fired after someone else revealed that she had lived with a civilian same-sex partner hundreds of miles from her military base. There are those who would seek to call “Don’t Ask, Don’t Tell” a benign agreement that merely requires discretion. To those who suggest that the law merely requires some measure of decorum, we would pose the question: “If not her, then who?” If an honored service member who served for two decades before she was involuntarily “outed” can be summarily dismissed, then how can “Don’t Ask, Don’t Tell” be anything less than a complete ban on military service by gay men and lesbians? And so we review a path strewn with the truncated careers of more than 12,000 service members dismissed since 1993, and call for an end — an end to misguided, shameful discrimination that has savaged those who sought to serve their country, and left that country all the poorer for their loss.

Thank you.

Council members,

Thank you for taking the issue of discrimination in our military as a serious civil rights matter. The most immediate effects are on those who serve under Don't Ask Don't Tell while the ripple effect reaches all American citizens, gay, straight or otherwise.

We are an aggregated nation from all walks of life; all religions, all cultural backgrounds, occupations, colors, sexual orientations, marital statuses, gender, age and IQ. Fundamentally we are all Americans. If there is a better place to see the cross section of the conglomerate of people besides in New York City, it is in the US Military.

I served my country in the US Marines from July of 2000 to July of 2005. I was deployed to Japan for twelve months and to Iraq for nine months. As my service began I knew there was an additional burden required of me than of any of my straight counterparts; I had to pretend to be something that I am not. I agreed to this "deal". I was given the privilege to serve my country, to become one of the Few and Proud, a Marine. At the same time I was taught Honor, Courage and Commitment were the ethos of our Corps. Such an ironic life, being gay in the military. Here we are willing to die for strangers, for our nation – honorable - as long as no one knows who we really are.

I cannot count the times when on R&R, off duty, (although a Marine 24hrs a day) that I could not let down my guard about what I said or even who I was seen in public with. I constantly looked over my shoulder, waiting for the Military Police, or another Marine to "catch" me out in public places with my boyfriend. I could never *really* rest. I had to guard my cell phone and personal computer as though I was a spy and that evidence of my relationship was a crime that of treason. We gay veterans love our country enough to bare that additional stress. We serve and defend our constitution because we BELIEVE that all men are equal and life isn't just about us as individuals.

Meanwhile, unit commanders want us troops to bond and become a band of brothers. Don't Ask Don't Tell prevents me and the estimated 60,000 active duty gay troops from assimilating as fully as we might otherwise, into our units. How can I console a comrade about his relationship troubles, when I cannot disclose I have a partner and share similar experiences? I have to lie. I have to say she instead of he; or say nothing at all. When I have my own troubles or during Iraqi deployments, I cannot take comfort in group talks- because I have to tip toe around the issue like a spy- because I am gay. There were many times we received mortar attacks, and the first thing I was doing was making sure none of my letters home to my partner would be discovered. I had to lie about who sent me packages and letters. Upon my return from war, amidst the "Welcome Home" banners, my fellow troops ran and greeted their mom's and dad's, husbands and wives; old friends and new babies. I had to take a *cab* home because my partner Brad couldn't meet me there on the tarmac. It was a slap in the face despite all of my dedication. My medals and awards meant nothing to me without equality.


Statistics will show that more than 12,000 men and women have been discharged under this policy; careers taken away. Statistics *cannot* show how many left the armed services (gay and straight) on their own free will because they didn't want to work for a hypocritical employer. Statistics cannot show how many tears were shed, relationships ruined, families broken apart and even future jobs lost; after a person has "Homosexual" on official discharge records and is outed to the world when they may not have been ready for that private step in their life.

I was out about my sexual orientation to many of those I served with, although never my higher command. I never had any negative feedback and relationships improved at work because of it. I served with honor and received several medals for going above and beyond. There are medics and linguists, pilots and technicians and other critical job skills that leave or are kicked out for being gay. This is a civil rights issue at its core. The civil rights movement began an era that we are still living in today. The freest nation on earth doesn't allow gays to defend her flag. Criminals and under educated persons, retirees and disabled personnel are all being allowed to join in order to boost recruiting numbers, while fully qualified and willing persons are scorned at. Our nation's military readiness and honorable character is in a corrosive state, we *must* demand change.

The Military Readiness Enhancement Act (H.R. 1246) will not only right the wrong that is being done to honorable and good people. It will also pave the way for other civil rights issues. It is NOT OK to discriminate against Gay people; as long as we are *federally* discriminated against, a clear message of hate is broadcast to the world. This is a Hoover Dam of an issue and it stifles the peaceful flow of our nation's people's right to the pursuit of happiness. It is no doubt unconstitutional. Please support Resolution 1170-A with as much dedication as *we* have to our nation's freedom.

Thank you

Brian R. Fricke  
Sergeant / USMC

A handwritten signature in black ink, appearing to read 'BRF', with a stylized flourish extending to the right.