

(b)(6) CIV OSD OGC (US)

From: (b)(6) CDR OSD PR
Sent: Friday, December 11, 2009 10:13 AM
To: (b)(6) COL OSD PR
Cc: (b)(6)
Subject: RE: Info Paper - DADT - for Ms. McGinn
Attachments: DADT Budget Prep Issue Paper - Current Ltrs, Etc.doc

Sir,

Here is the revised version.

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V/R

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-----Original Message-----

From: (b)(6) CDR OSD PR
Sent: Thursday, December 10, 2009 4:52 PM
To: (b)(6) COL OSD PR

(b)(6)

Subject: RE: Info Paper - DADT - for Ms. McGinn

Sir,

My understanding is that P&HP is still reviewing the draft paper.

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V/R

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-----Original Message-----

From: (b)(5) DoD OGC

Sent: Thursday, December 10, 2009 4:36 PM

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Subject: RE: Info Paper - DADT - for Ms. McGinn

Correction...P&HP ((b)(5) folks)

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“DON’T ASK, DON’T TELL” POLICY

Policy Overview: The Department of Defense (DoD) homosexual conduct policy, commonly known as the “Don’t Ask, Don’t Tell” (DADT) policy implements Title 10, United States Code, Section 654. The law establishes the basis for separation from service as homosexual conduct and not orientation. DoD policy reflects the law in that no military member is separated solely due to their sexual orientation. The policy requires the Services to separate service members who engage in or attempt to engage in homosexual acts, state they are homosexual or bisexual, or marry or attempt to marry a person of the same biological sex. These separated members have the opportunity to continue to serve their Nation and national security by putting their abilities to use by way of civilian employment in federal agencies, including DoD, or in the private sector, such as with a government contractor.

Discharge Rates: Since the DADT policy was implemented in 1993, homosexual discharges totaled 13,419, ranged from 612 to 1,227 per year and averaged 838 per year. Homosexual discharges for the same period of time prior to implementing this policy (from 1977-1992) totaled 22,855, ranged from 708 to 1,998 per year and averaged 1,428 per year. The Department has continued to track the number of homosexual discharges under this provision. Separations per year are shown below:

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	TOTAL
ARMY	156	136	184	199	197	310	271	573	627	433	378	325	388	280	302	298	5,043
NAVY	334	258	269	315	413	345	314	358	290	222	187	177	177	168	160	152	4,137
USMC	40	36	69	60	78	76	97	104	118	105	63	59	75	64	74	91	1,209
USAF	152	185	235	284	308	414	352	177	192	125	142	92	88	102	91	80	3,030
TOTAL	682	615	757	858	997	1,145	1,034	1,212	1,227	895	770	653	726	612	627	619	13,419

Recent Inquiries/Correspondence: The Department has received an increased number of inquiries from Congress and others in the last several months, with the overall trend being for repeal or change in the current law/policy. There are 12 letters with draft responses presently pending in the DSD office, and one additional new letter was received this week.

- One letter was from Sen. Reid, the Majority Leader, dated September 24, 2009, discussing his support for repeal of DADT.
- Another letter was signed by Rep. Hastings and co-signed by 76 other Representatives in June 2009. Two other Representatives subsequently added their signatures. In October, Rep. Hastings sent another letter to the Secretary of Defense, calling his attention to the recent article in *Joint Force Quarterly* on the DADT policy.

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