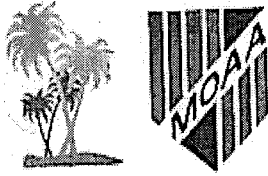


SR 36

Measure Title:

EXPRESSING SUPPORT FOR REPEAL OF THE DON'T ASK
DON'T TELL POLICY OF THE UNITED STATES ARMED SERVICES.



Hawaii Chapter, MOAA
P.O. Box 1185
Kailua, Hawaii 96734-1185

Testimony of

Thomas Smyth, President

Military Officers Association of America, Hawaii Chapter

Before the

Committee on Public Safety and Military Affairs

Tuesday, March 9, 2010, 1:20 pm, Room 229

SCR88 and SR36

**EXPRESSING SUPPORT FOR REPEAL OF THE DON'T ASK DON'T
TELL POLICY OF THE UNITED STATES ARMED FORCES**

Chair Espero, Vice Chair Bunda and Members of the Committee:

Our association chapter of 500 retired and currently serving officers of the Uniformed Services does not support SCR88 and SR 36, which would ask the President and the Congress to repeal P.L. 103-160, passed in 1993. That law provides that a person joining the Armed Forces will not be asked their sexual orientation, but while serving they must not openly declare their orientation or exhibit conduct that indicates it.

The Secretary of Defense has directed a "Comprehensive Review on the Implementation of a Repeal." The process will specifically include surveys of those currently serving. The Chairs of the review task force have been designated, the composition of the rather large and diverse working group has been specified and the review should get underway in a few weeks. It is expected to take about 9 months, with a report due by December 1st.

The resolutions note that both Secretary Gates and the Chairman of the Joint Chiefs of Staff, Adm. Mullen, have publically supported the President's call for repeal. **They do not mention that all four of the Service Chiefs: Chiefs of Staff of the Army, the Air Force, the Chief of Naval Operations and the Commandant of the Marine Corps, do not support immediate repeal and**

strongly urged a comprehensive review. Ironically it is these service heads who have the full responsibility for recruiting, training and retaining those who serve. The Secretary and the Chairman do not have that responsibility.

The Uniformed Services are the most discriminatory employers in our country. They routinely do not enlist or commission those who are: too tall, too short; too fat, too thin; too old, too young; have hearing or vision impairments, other disabilities or chronic illnesses. They also reject or dismiss single parents; pregnant women; and even those who cannot pass a physical fitness test or just have a bad attitude during initial training.

I do not hear or see advocates for persons in these categories calling for changes in policy to allow fairness and equal opportunity. And those advocates are certainly well aware of these restrictions and limitations.

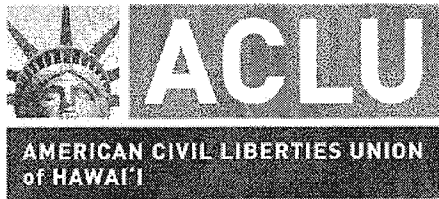
It is often said that money is wasted after all the training provided to those who are dismissed for violation of the current policy. As noted by the former Chief of Staff of the Air Force Gen. McPeak, serving in 1993 when the law went into effect, the Air Force forced out 15 times as many people for not meeting weight standards as they did for being openly gay. He also noted that most of those separations occurred in the first few weeks of basic training, before significant training costs were incurred.

On a personal note, I commanded a Marine infantry company in Vietnam. We did not have women in the company then and they are still not assigned to infantry companies, though they are often in support units working with the infantry. The reasons are evident to all Marines, simply no privacy or ability to offer dual facilities to units in combat. The increase in women in the service has been accompanied by a significant rise in sexual harassment and even assaults across all the Services.

The fact that many gay men and women have served well without disclosure is not disputed. But personal performance is not what matters most in combat; it is more about the social dynamics of relationships and groups.

These resolutions are premature at this time. A year from now, after the working group reports its findings, is the time to urge repeal or not, depending on what they have found.

Thank you for the opportunity to provide this testimony.



Committee: Committee on Public Safety & Military Affairs
Hearing Date/Time: Tuesday, March 9, 2010, 1:20 p.m.
Place: Room 229
Re: Testimony of the ACLU of Hawaii in Support of S.R. 36

Dear Chair Espero and Members of the Committee on Public Safety & Military Affairs:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of S.R. 36, which seeks to express support for repeal of the "Don't Ask, Don't Tell" policy of the United States armed services.

The ACLU of Hawaii supports Hawaii's efforts to urge Congress to repeal the discriminatory and counterproductive policy known as "Don't Ask, Don't Tell." In his State of the Union address, President Obama called on members Congress to act this year to finally repeal "Don't Ask, Don't Tell." This call has since been echoed by Secretary of Defense Gates and Chairman of the Joint Chiefs of Staff Mullen. Additionally, General David Petraeus, commander of US Central Command, recently endorsed the current process underway at the Pentagon exploring how to move forward with repeal.

Since 1993, the U.S. has discharged over 13,000 service members who have openly identified as gay, lesbian, or bisexual. Others have simply left the military or chose not to join in the first place specifically because of the policy.

Our dedication to fairness, liberty, and justice for all is woven into the fabric of what we define as American - what we define as our values. These are the values we ask our service members to live and die for. Yet discriminatory policies such as "Don't Ask, Don't Tell" deny our gay, lesbian, and bisexual service members the freedoms at home that we ask them to fight for abroad.

Americans recognize the injustice intrinsic to "Don't Ask, Don't Tell." That's why polls consistently show an overwhelming number of Americans support the repeal of this policy. Americans also recognize that the law simply does not make sense. We are in the midst of two wars that require us to commit every resource we have to restore the peace. Yet 800 of the service members we've discharged had skills deemed "mission critical," including 59 Arabic linguists. Discrimination has already caused the military to waste over \$200 million simply to replace discharged service members - service members who were perfectly able to perform their jobs in the first place.

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
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Hon. Sen. Espero, Chair, PSM Committee
and Members Thereof

March 9, 2010

Page 2 of 2

The "Don't Ask, Don't Tell" policy is a discriminatory drain on our resources that we cannot afford. We applaud this Committee for hearing this bill and adding Hawaii's support to repeal this discriminatory law that weakens our national security.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

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Attention: Senate Public Safety and Military Affairs Committee

Hearing for Tuesday, March 9, 2010 at 1:20 PM

Conference Room 229

Subject: **OPPOSE SR36 and SCR88.**

Submitted by: Mary Smart, Captain, USN (Ret), Mililani, HI

Chairman Will Espero and Vice Chair Robert Bunda and Committee Members:

You must oppose SR36 and SCR88. There are inaccuracies, unfounded accusations; incomplete data; lacks understanding of military culture; discriminates against religious military members who would have their speech curtailed; negatively impacts the ability of Chaplains to express the word of our Lord; tarnishes the moral integrity of the military; and does not represent the will of the people especially active duty military who cannot speak for themselves. We are a government of the people, by the people, for the people. The President and the Hawaii legislature should not dictate morality.

After having served thirty years in the Navy, I have first hand knowledge of the negative impact this measure will have on military cohesiveness and effectiveness. One of the first things I was taught in the Navy was my priorities which were: God, Country, Family, Navy, Self. This change inverts those priorities for a minority group.

The second paragraph is inaccurate. The 1993 Don't Ask Don't Tell (DADT) policy allows homosexuals to serve in the military. Title 10, United States Code, Section 654 federal forbids gays from serving in the military – but under DADT, the law is not fully implemented. Homosexual assaults, intimidation and public sexual acts are a now a serious concern as reported by the Family Research Institute:
<http://www.familyresearchinst.org/2010/02/gays-in-the-military-%E2%80%94-the-sordid-facts/#more-432>. Assault statistics were corroborated by the Williams Institute.
<http://www.familyresearchinst.org/2010/02/gays-in-the-military-%E2%80%94-the-sordid-facts/-fn-432-3>

Although President Obama has a preference for gays to serve openly, he has no experience serving in the military other than becoming President and assuming the Commander-in-Chief position. The President's approval ratings are plummeting. I question why Hawaii's Legislature wants to follow this downward spiral. Rep Ike Skelton, MO, a long term military advocate and Chairman of the House Armed Services Committee is against dropping the ban stating that it would cause 'disruption' and 'serious problems'.

According to the Center for Military Readiness (CMR): "Secretary Gates promised to "minimize disruption and polarization," and to "mitigate" negative consequences for

“unit cohesion, recruiting [and] retention.” Adm. Mullen admitted he did not know what repeal would mean, but spoke (for himself only) in favor of policies known to be disruptive.” The CMR also has a link to a letter signed by over one thousand Generals and Admirals opposing the repeal of the DADT legislation. Their names can be seen at: <http://cmrlink.org/CMRDocuments/FGOM-SigList%281087%29-033109.pdf>. It is my understanding that more names have been added since this list was compiled. Active duty military must be cautious about publicly stating their opinions that are in opposition but retirees can speak the truth.

General Peter Pace, the prior CJCS was essentially forced to retire when he made it clear he wanted the current restrictions maintained and he further stated that homosexual acts constitute immoral behavior and should be prosecuted just as other immoral actions that become known are prosecuted under the Uniform Code of Military Justice (USCJ).

General Conway, Commandant of the Marine Corps recommended that the law stay as it is. He does not believe that a policy change would improve the warfighting capability of the force. At a time we are engaged in war, change was not the best course of action. The Army Chief of Staff, General George Casey, had serious concerns about the impact of the repeal of the current law. General Swartz (USAF) indicated a year long study was needed and indicated the troops do not need added stress at this time. Senior leaders who are closer to the troops and responsible for winning the war made it clear that the current policy is in the best interest of maintaining military effectiveness. No new stress is needed to be introduced to successfully executing the military mission.

Contrary to Admiral Mullen’s comment, no one is currently required to lie since no one is asked about their sexual preferences. No one should announce or indicate pride in being involved in any immoral act. Immorality should never be acceptable in the military. In violations of military standards, the perpetrator can remain silent; however, if the person admits their guilt, they should be removed from duty using military procedures.

If there is a concern about telling lies, Admiral Mullen should not change current law. Allowing gays to serve openly opens Pandora’s Box and would force the higher percentage of the military to live a lie. They would not be free to “admonish the sinner” in this one “special” instance. Homosexual behavior is not moral. Neither are bigamy and rape. Military Chaplains preach their holy book, the Bible, Torah or Koran. They must be free to talk about immoral sexual practices. People who are confused about their sexual identity should not be in the military. Statistics show that gays, lesbians and others with identity issues have higher suicidal tendencies. Military service is highly stressful. One must be clear about themselves so they can focus on the mission.

The numbers of people cited in the Resolution who have been discharged under DADT cover a long period. They include people who claimed to be gay to get a quick discharge. Some “tell” specifically to challenge the policy. In a Congressional Hearing on 3 March 2010, it was reported that 428 people were discharged under DADT during 2009. Out of 3 million personnel that is .015 %. Good people are removed from the military for many

reasons. Weight, other medical issues, criminal activity, incompetence are a few of them. There is no right to serve in the military.

We now have a volunteer force that is very professional and highly educated. They are extremely capable and highly motivated. The platforms and weapons systems are technical and require intense training and skill to operate. When there was a draft there were many people forced into service against their wishes. Those individuals caused problems and took time and effort away from meeting the mission.

It is not true that allowing homosexuals to serve the military openly would significantly augment the nation's military capabilities. Based on surveys there would be a net loss of personnel willing to serve in the military if this policy change were implemented. The Center for Military Readiness clearly explains that this change would be disruptive and take away from military readiness. There are serious medical concerns about homosexuals serving in the military. Would an HIV positive member's privacy be invaded to alert other military that they could be exposed to the disease if they come in contact with the individual's body fluids? Would being AIDs/HIV positive restrict an individual from world wide assignment? Gay men have a high incidence of that disease. It increases the danger to our service members to put them along side infected military members. A person can transmit the disease before it is detected by testing.

Some Islamic countries impose the death penalty or imprisonment to homosexuals. Would there be a restriction against them from serving in these areas, which happen to be the areas that our fighting men are needed most right now? If their assignments were restricted for their own safety, added burden in the most dangerous areas would be placed on the other troops. That would negatively impact cohesion and morale.

There are so many questions that are unanswered and that is why there is going to be a study. It is highly inappropriate for the Hawaii legislature to make a recommendation to support the repeal of the restriction without the findings of the study.

The paragraph concerning homophobia is a pejorative comment right out of Saul Alinsky's rules for radicals (**Rule 5**: Ridicule is man's most potent weapon. It's hard to counterattack ridicule, and it infuriates the opposition, which then reacts to your advantage and has no place in a legislative document). No one is fearful of homosexuals. It is a made-up term to slander those whose moral standards consider homosexuality a perversion of the natural law. To remind the legislature of the importance of Judeo-Christian values, I highly recommend reading the book "The 5000 Year Leap" written by W. Cleon Skousen. Virtue is the foundation that has made the country strong.

The military should not be used as a social experiment or as LtCol Oliver North, USMC (Ret) states, "lab rats". Lives and the security of our nation depend on military effectiveness. We saw at Fort Hood the problems with political correctness. When "group think" is pervasive, our troops are put in danger and they are prevented from speaking up about potential problems. We do not need yet another special class of

Soldiers, Sailors, Airmen, and Marines. We should not put young men and women in sexually charged situations where they cannot seek relief from potential sexual overtures.

Request you Oppose Senate Resolution 36 and Senate Concurrent Resolution 88.

FROM: MAILINGLIST@CAPITOL.HAWAII.GOV
[MAILTO:MAILINGLIST@CAPITOL.HAWAII.GOV]
SENT: THURSDAY, MARCH 04, 2010 12:42 PM
TO: PSM TESTIMONY
SUBJECT: TESTIMONY FOR SR36 ON 3/9/2010 1:20:00 PM

TESTIMONY FOR PSM 3/9/2010 1:20:00 PM SR36

CONFERENCE ROOM: 229
TESTIFIER POSITION: SUPPORT
TESTIFIER WILL BE PRESENT: NO
SUBMITTED BY: ERIN RUTHERFORD
ORGANIZATION: INDIVIDUAL
SUBMITTED ON: 3/4/2010

COMMENTS:

The United States of America has a history of fighting discrimination and prejudice against its citizens. In the 1950's and 60's, our country witnessed the start of the Civil Rights Movement where African Americans dedicated their lives to making sure they all received the same rights as every other citizen. They fought to end racial segregation and voting suppression, and they won. In the 1960's, our country also observed the Women's Liberation movement which helped bring about equality for all women. As someone who was born in the mid 1980's, I look back on my country's history of oppression and discrimination and am grateful that as citizens we have been able to make changes such as opening our minds to new ideas and having a non-judgmental attitude. I am inclined to think that the country I live in is a modern, enlightened society and would be done with issues of discrimination, prejudice, being narrow-minded, judgmental, and non-accepting. However, in America, that is not the case. There is still one group of people that are legally and personally discriminated against- the homosexual population.

I think it is very unfortunate that our country is still making and continuing laws that do not give homosexuals equal rights. In a time where our country is in such a fragile state, all of the unity and support we can get from our citizens is needed. Discriminating against the homosexual population is taking away a big portion of the support we receive from our citizens, including support from heterosexuals who advocate for homosexuals. I already think it is a disgrace to deny homosexuals the right to marry, but it is just as much of a disgrace to deny homosexuals the opportunity to serve in our country's armed forces. Our country

is in a delicate state when it comes to warfare. Although we have thousands of troops being deployed and fighting around the world, there is still a need for men and women to serve in the armed forces. Because of the “don’t ask, don’t tell policy”, over 13,000 people have been discharged from the armed forces. The amount of talent, expertise, and service that could have been provided by those 13,000 people would have made a tremendous difference in our armed forces and be of great help. However, we turn those people away because they are of a particular sexual orientation. Where is the logic in that?

It is nonsensical to put people in a position where they have to hide who they really are, only in order to serve and protect our country. Why should someone have to hide who they are, in order to do something good for their country? What kind of message is this policy sending to the people who so courageously risk their lives for the bettering of America? The “don’t ask, don’t tell” policy is sending a message to every citizen in the United States that homosexuals are not fit to serve our country. This policy is making our country take huge strides backwards in the fight to give all homosexuals equal rights.

If we were to allow homosexuals to be open about their sexual orientation in the armed forces, it would bring nothing but benefits. We would have an increase of people who want to help protect and improve our country. We would bring more diversity, ideas, expertise, and skill to the armed forces. Repealing the “don’t ask, don’t tell” policy would be taking a huge step toward equal rights for homosexuals. It would be sending a message to our country that as a nation, we are accepting of all people. This repeal could open a whole new window in granting equal rights to homosexuals in other areas such as marriage, health benefits, and employment benefits. I hope that our legislators can come together to stand up for what is right and make the correct choice in repealing this irrational, absurd policy.

ORIGINAL MESSAGE—

FROM: R. KAWEHI KANUI [MAILTO:KAWEHI11@YAHOO.COM]

SENT: WEDNESDAY, MARCH 03, 2010 1:26 PM

TO: PSM TESTIMONY

SUBJECT: SR 36 AND HB1900 HSCR 120-10

ALOHA,

WAS NOT ABLE TO GET TO THE SITE TO SEND THIS E-MAIL TESTIMONY. DON'T KNOW WHY. SO THE NEXT BEST THING WAS TO SEND IT E-MAIL. PLEASE FIND SUPPORT FOR BOTH ISSUES.

FOR THE RECORD WE SUPPORT RESOLUTION (SR 36) AND BILL (HB 1900 HSCR 120-10) BECAUSE IT IS ONLY RIGHT AND PONO TO DO THIS.

MAHALO,
RITA K. KANUI-GILL

Hawaii State Senate Testimony: Fax: 586-6659

Attention: Senate Public Safety and Military Affairs Committee

Hearing for Tuesday, March 9, 2010 at 1:20 PM

Conference Room 229

Subject: OPPOSE SR36 and SCR88.

Submitted by: William D. Heagney, Mililani, HI

Chairman Will Espero; Vice Chair Robert Bunda; Committee Members:

OPPOSE SR 36 and SCR88. These Resolutions endorse a change of policy that will reduce military morale, cohesiveness, and endanger the safety of military personnel.

I am a World War II Army veteran and I oppose the change in policy that these Resolutions endorse because it will result in significant duress to the military personnel and negatively impact the achievement of the military mission.

They say there are no atheists in fox holes. I can attest to that. What I don't want to find in the fox hole, tight quarters or the shower is someone who would make a pass at me or someone else in my presence.

Endorsement of immoral acts should not be promoted by our political or military leadership. Many senior military active duty and retirees are on record opposing the repeal of the Don't Ask Don't Tell policy (DADT).

Military Chaplains and military personnel must be allowed to publically denounce immoral acts. The mainstream religions that identify homosexual acts as immoral are the origin of the founding principles of the United States of America.

Do not endorse this change that will distract from the military mission. The proposed change will cause significant disruption, especially while our military is involved in combat operations. I would discourage my grandchildren and great-grandchildren from military service if such a policy change were implemented. I am sure many parents feel the same way as I do.

In any case, these Resolutions are pre-mature because there is a study being conducted to determine the impacts of a policy change.

OPPOSE SR 36 and SCR 88.



Attention: Senate Public Safety and Military Affairs Committee

Hearing to be held Tuesday, March 9, 2010 at 1:20 pm

Conference Room 229

Subject: OPPOSE SR36 and SCR88

Submitted by Frank and Rosalie Tadda

Chairman: Senator Will Espero, Vice-Chair Senator Robert Bunda and
Committee Members:

Please OPPOSE SR36 and SCR88 as these resolutions will endorse a change in policy that will reduce military morale and endanger the safety of military personnel while it battles cohesiveness.

There should be no military endorsement of immoral acts. This is not something to be promoted by our political or military leadership. Many active duty senior military and also retirees have gone on record to say they strongly oppose the repeal of the Don't Ask Don't Tell Policy DADT.

Homosexual acts are immoral ones and Military personnel must be allowed to correct such behavior. Military Chaplains must be allowed their freedom to publically denounce such immoral acts as a large percentage of the military are Christians and should be allowed to encourage the men to follow the doctrine of their respective churches. Please do not allow one segment of society to degrade the morals and integrity of our military. A change of this sort could only give our protectors even more problems to sort out. America would not be made safer with this sort of change in morality. It will cause disruption, especially while we ask our military to protect us in mortal combat situations.

OPPOSE SENATE RESOLUTION 36 AND SENATE CONCURRENT RESOLUTION 88

Thank you for your kind consideration.