



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

RECEIVED

FEB 28 2007

FEB 12 2007

Hon Ron Wyden

The Honorable Ron Wyden
United States Senate
Washington, DC 20510

Dear Senator Wyden,

I am responding to your January 29, 2007, letter to Secretary Gates about revisiting Title 10, United States Code, Section 654. You made several points in your correspondence and I will try to address each.

Your letter says "... Principal Deputy Under Secretary of Defense Michael Dominguez stated that he "sees no need to change" the military's ban on gay and lesbian service members. . . ", and you found this statement extremely troubling.

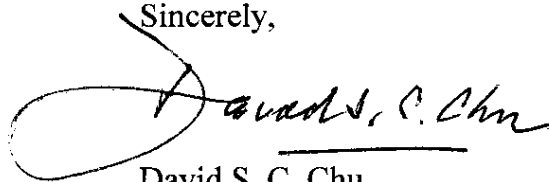
Respectfully, I must clarify a key point: There is no military ban on gay and lesbian service members. The Department of Defense's Homosexual Conduct Policy implements Title 10 United States Code, Section 654, which requires the Department of Defense to separate from the armed forces members who engage 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. The law establishes the basis for separation from the armed forces as conduct, not orientation. Our policy reflects the law.

You cite retired General John M. Shalikashvili's January 2, 2007 editorial in the New York Times. I cannot speak to the described exchanges between the General and military members, but I respect the General's extensive years of service in the most responsible, publicly scrutinized positions. His question, as well as his recommendation, to Congress about changing Title 10, United States Code, Section 654, was thought-provoking. According to the Times, General Shalikashvili explained, "But *if* America is ready for a military policy of nondiscrimination based on sexual orientation (*italics added*), the timing of the change should be carefully considered. As the 110th Congress opens for business, some of its most urgent priorities, like developing a more effective strategy in Iraq, share widespread support that spans political affiliations. Addressing such issues could help heal the divisions that cleave our country. Fighting early in this Congress to lift the ban on openly gay service members is not likely to add to that healing, and it risks alienating people whose support is needed to get this country on the right track. By taking a measured, prudent approach to change, political and military leaders can focus on solving the nation's most pressing problems..." Former Secretary of Defense William Cohen specifically highlighted the General's points in his January 2, 2007 discussion about changing Title 10, United States Code, Section 654 that you note in your letter.

The Global War on Terrorism is far-reaching and unrelenting. The threat to our country is here for the long term. As a result, every day, around the world, our forces engage with our allies in dangerous, life-threatening events, and this will continue into the foreseeable future. A national debate on changing Title 10, United States Code, Section 654, with the accompanying divisiveness and turbulence across our country, will compound the burden of the war. The urgency to launch this debate is diminished by the fact that annual discharges for violations of the Department's Homosexual Conduct Policy are less than .3% of all discharges in the armed forces. In this light, I question the wisdom of advocating a change.

The Department will, of course, follow Congressional direction on homosexual conduct. As always, thank you for your interest in the men and women of the Department of Defense.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. C. Chu". The signature is written in a cursive style with a large, looping initial "D".

David S. C. Chu