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FOR IMMEDIATE RELEASE
July 27, 2009

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WORKING GROUP ON DON'T ASK, DON'T TELL POLICY ISSUES STATEMENT CORRECTING INACCURATE COMMENTS MADE BY PUBLIC OFFICIALS

Los Angeles, CA - A working group on the military's "don't ask, don't tell" policy comprised of retired general officers, scholars and a former member of Congress issued a statement today in response to inaccurate or misleading statements made about the policy by President Barack Obama, Secretary of Defense Robert Gates, Rep. Patrick Murphy (D-PA), and Chairman of the Joint Chiefs of Staff Mike Mullen.

The DADT Working Group is a collaboration of the Williams Institute and the Palm Center, both at the University of California, dedicated to providing informed, accurate and timely information on the DADT policy. Its members are **The Hon. Marty Meehan, Lieutenant General Claudia J. Kennedy, USA (ret.), Brigadier General Hugh Aitken, USMC (ret.), Gary J. Gates, PhD and Prof. Aaron Belkin, PhD.**

The DADT Working Group addressed the following statements:

President Barack Obama: *we cannot ignore the will of Congress*

"I also want to make sure that (a) we are not simply ignoring a congressional law. If Congress passes a law that is constitutionally valid, then it's not appropriate for the executive branch simply to say, we will not enforce a law."¹

Why this needs to be corrected: Congress has authorized the President, via statute, to suspend any law regarding military separations during national security emergencies. Hence, an executive order would not be a matter of the President choosing to "not enforce a law" but an appropriate exercise of executive authority granted directly by Congressional statute.²

¹ CNN. Anderson Cooper 360. July 13, 2009.

² 10 U.S.C. § 12305

Representative Patrick Murphy (D-PA): *an executive order would ignore standing law*

"[The president] -- to his credit -- seems not to want to ignore standing law that was passed by the Congress. It shows why Congress needs to change it."³

Why this needs to be corrected: Congress has authorized the President, via statute, to suspend any law regarding military separations during national security emergencies. Hence, an executive order would be consistent with, not ignore, standing law.⁴

Secretary of Defense Robert Gates: *the military is bound by legislation in its enforcement of "don't ask, don't tell"*

"The key is to remember it's not a policy, it's a law. And so before we can change what we do, the Congress has to change the law. And once the law is changed, then we will do what the law says and what the president tells us to do."⁵

Why this needs to be corrected: "Don't ask, don't tell" as codified by Congress, grants significant authority to the Secretary of Defense to devise and implement the procedures under which investigations, separation proceedings, and other personnel actions will be carried out.⁶ In fact, Secretary Gates has said he is looking for ways to relax enforcement of the law without approval from Congress.

Chairman of the Joint Chiefs of Staff Mike Mullen: *the repeal of "don't ask, don't tell" would affect military families*

"...what I feel most obligated about is to make sure I tell the president, you know, to give the president my best advice, should this law change, on the impact on our people and their families at these very challenging times."⁷

Why this needs to be corrected:
No research shows that allowing gay men and lesbians to serve openly would impact heterosexual military families.

³ *The Washington Post*. "Editorial: Marching Orders." July 20, 2009.

⁴ *Ibid*.

⁵ Department of Defense. "Remarks by Secretary of Defense Robert Gates at a Meeting of the Economic Club of Chicago." July 16, 2009.

⁶ UC Santa Barbara Palm Center. "Secretary of Defense Authority to Implement 'Don't Ask, Don't Tell' in a Manner Consistent with National Security."

<http://www.palmcenter.org/files/active/0/ImplementationInLinewithNationalSecurity.pdf>. July 2009.

⁷ *The Associated Press*. "Mullen Advises 'Measured' Approach to Gay Policy." July 5, 2009.

Marty Meehan is the Chancellor of the University of Massachusetts, Lowell and the former representative of Massachusetts' 5th Congressional District. He was the lead congressional sponsor of the Military Readiness Enhancement Act, which would repeal the ban on open service by LGB troops.

Lieutenant General Claudia J. Kennedy, USA (ret.) is a retired lieutenant general in the United States Army. General Kennedy is the first female to reach the rank of three-star general in the U.S. Army and is a member of the U.S. Intelligence Hall of Fame.

Brigadier General Hugh Aitken, USMC (ret.) is a retired Brigadier General in the U.S. Marine Corps. General Aitken served for 36 years, including a tour of Korea, and eventually served as the Corps' Director for Manpower Plans and Policy.

Gary J. Gates, PhD is a Williams Distinguished Scholar at the Williams Institute. Dr. Gates is widely acknowledged as the nation's leading expert on the demography and geography of the LGBT population.

Aaron Belkin, PhD is Associate Professor of Political Science and Director of the Palm Center at the University of California, Santa Barbara. He has published in the areas of civil-military relations, social science methodology and sexuality and the armed forces.

Becca Formanek is a research assistant at the Palm Center.

The Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy at UCLA School of Law advances law and public policy through rigorous, independent research and scholarship, and disseminates its work through a variety of education programs and media to judges, legislators, lawyers, other policymakers and the public. These studies can be accessed at the Williams Institute website, www.law.ucla.edu/williamsinstitute.

The Palm Center is a research institute at the University of California, Santa Barbara. The Center uses rigorous social science to inform public discussions of controversial social issues, enabling policy outcomes to be informed more by evidence than by emotion. Its data-driven approach is premised on the notion that the public makes wise choices on social issues when high-quality information is available. For more information, visit www.palmcenter.ucsb.edu.

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