



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1000

JAN 28 2011

**MEMORANDUM FOR UNDER SECRETARY OF DEFENSE (PERSONNEL AND
READINESS)**

SUBJECT: Implementation of a Repeal of Title 10, United States Code, Section 654

On December 22, 2010, the President of the United States signed into law legislation that sets conditions that must be met prior to the repeal of title 10, United States Code, section 654, "Policy Concerning Homosexuality in the Armed Forces," becoming effective. Your responsibility by virtue of this memorandum is to facilitate the timely and orderly realization of these conditions across the Department. Your plan for accomplishing this task is due to me by February 4, 2011.

Strong, engaged and informed leadership will be required at every level to implement the repeal of section 654 properly, effectively, and in a deliberate and careful manner. This is not, however, a change that should be done incrementally. The steps leading to certification and the actual repeal must be accomplished across the entire Department at the same time, and consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

The implementation of the repeal of Don't Ask, Don't Tell is a milestone event for the Department. As such, it is imperative that the execution of actions leading to certification and repeal are underpinned with a solid foundation as established by the attached terms of reference and guiding principles.

The Secretaries of the Military Departments and the Chairman of the Joint Chiefs of Staff will assist you in the expeditious planning and execution of this task. All DoD Components are directed to fully cooperate in the execution of this implementation process and to be responsive to your requests for information, detailed personnel, and other support.

A handwritten signature in black ink, appearing to read "Robert M. Gates".

Attachment:
As stated

cc: Secretaries of the Military Departments
Chairman of the Joint Chiefs
USD (C)
Assistant Secretary of Defense (Public Affairs)
Assistant Secretary of Defense (Legislative Affairs)
General Counsel of the Department of Defense
Commandant of the United States Coast Guard
D, A&M

TERMS OF REFERENCE FOR REPEAL IMPLEMENTATION TEAM

Implementation of Repeal of 10 U.S.C. § 654

These Terms of Reference (TOR) establish the objectives of the Secretary of Defense-directed process leading to implementation of the repeal of 10 U.S.C. § 654, "Policy Concerning Homosexuality in the Armed Forces."

In accordance with the "Report of the Comprehensive Review of the Issues Associated with a Repeal of 'Don't Ask, Don't Tell' and the accompanying Support Plan for Implementation, the Department of Defense and the Services will finalize the policy revisions, and the education and training programs necessary to prepare the force for repeal, and will communicate the upcoming policy changes to the force.

Focus: Leadership-Professionalism-Discipline-Respect¹— Emphasize, promote and reaffirm this focus throughout the implementation period.

Guiding Principles: The guiding principles for implementation are as follows:

- All personnel will be treated with respect.
- No policy will be established that is solely based on sexual orientation.
- Harassment or unlawful discrimination of any member of the Armed Forces for any reason will not be tolerated.
- Standards of personal and professional conduct will apply uniformly to all military personnel, regardless of sexual orientation.
- Implementation will be timely, deliberate, comprehensive, and consistent with the standards of readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.
- Implementation standards will be consistent across all Services.

Scope and Objectives: The "Don't Ask, Don't Tell" Repeal Implementation Team (RIT) will lead the process for the implementation of repeal of 10 U.S.C § 654. The process will include the following areas:

- Develop plans incorporating operational considerations and reflecting the informed judgment of the senior leaders of the Department's components and agencies.²
- Update Policies—update and prepare to publish the policies required after repeal of 10 U.S.C § 654³ becomes effective.
- Train and Prepare Experts—assist the Military Services and Combatant Commanders, as appropriate, in developing training for those responsible for implementing changes to the

¹ *Support Plan for Implementation, Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell."* (Washington DC: Comprehensive Review Working Group, Department of Defense, 2010), pp. 26-30).

² *Ibid.*, p. 1.

³ *Ibid.*, p. 29.

policies involved and for those providing services relating to these changes to service members, including Chaplains, Judge Advocates, and Counselors.⁴

- Train and Prepare Leaders—assist the Military Services in developing and deploying consistent educational materials in accordance with the Comprehensive Review Working Group recommendations that will aid commanders, senior noncommissioned officers, and other component officials, to include civilian supervisors, in preparing for and implementing repeal.⁵
- Train and Prepare the Force—Assist the Military Services in developing and using materials required to train and prepare the force of the pending change and the expectations of professional and personal conduct through engagement by experts and leaders at all levels.⁶
- Progress Report—obtain reports from the Military Departments every two weeks to keep the Secretary of Defense updated on the progress in preparation of policies and regulations to implement repeal of 10 U.S.C. §654, as well as status of training and preparing the force on those changes.
- Assess Implementation—monitor accomplishment of the above across the Department.

Methodology:

The RIT will:

- Establish a clear communication and feedback network – utilizing frequent Executive Committee meetings, and principals’ personal involvement at all levels to ensure Secretary of Defense has the full situational awareness of progress and any issues or concerns that would affect our military’s readiness.
- Work with the Military Services to revise policies to include DoD directives, instructions and other issuances that are impacted by repeal.⁷
- Collaborate with the Joint Staff, Military Services, and Combatant Commands to develop the materials and plans necessary to develop and finalize training and education programs to prepare the force for repeal.⁸
- Establish a process with the Military Departments to review both objective and subjective indicators of pre-implementation progress that will form the basis of a common set of criteria for recommending certification.
 - Those indicators should include at a minimum:

⁴ Ibid., p. 25

⁵ Ibid., p. 25

⁶ *Support Plan for Implementation, Report of the Comprehensive Review of the Issues Associated with a Repeal of “Don’t Ask, Don’t Tell.”* (Washington DC: Comprehensive Review Working Group, Department of Defense, 2010), p. 26.

⁷ Ibid., p. 29.

⁸ Ibid., p. 25.

- Progress on changes to policies, regulations, and issuances.
 - Progress on the education/training of the experts (chaplains, lawyers, etc.) responsible for developing and implementing the relevant changes to policies and regulations.
 - Assurance that commanders have received the necessary education and training materials to successfully implement policies in order to maintain consistent standards in military readiness, military effectiveness, unit cohesion, and recruiting and retention.
 - Commanders' reports confirming education and training of their units, including reinforcement of continued expectation for upholding and maintaining the high standards of personal and professional conduct.
 - Documentation that shows progress of total force training (Military and Civilians)
 - Updates to the Secretary of Defense every two weeks that utilize existing feedback tools on retention, recruiting, readiness, effectiveness and unit cohesion (Command Climate Surveys, and IG command climate feedback)
- Prepare Service leaders to engage members of Congress, the media, relevant experts, and key influencers of potential service members and others as necessary on the projected changes.

Deliverables: The RIT, through the USD (P&R), will prepare – as a minimum:

- A plan to be submitted to the Secretary of Defense for accomplishing the objectives.
- A memorandum to the Services delineating the policy and regulatory action changes associated with implementation of repeal. (delivered not later than February 4 2011)
- Standard content tool kit for the Services for training and education materials (delivered not later than February 4, 2011.)
- Regular updates to the Secretary of Defense on the status of implementation.
- A Communication Plan: to deliver a consistent message tailored to the wide range of stakeholders and assist Services in communicating with their people⁹

⁹ Support Plan for Implementation, *Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell."* (Washington DC: Comprehensive Review Working Group, Department of Defense, 2010), pp. 27-28.

- A memorandum to the Secretary of Defense confirming the judgment of the Secretaries of the Military Departments they are ready for repeal to be effective..
- A process for ongoing dialogue as DoD assists Services with training and preparing the force for implementation.

Support:

- The Under Secretary of Defense (Personnel and Readiness) will establish the Repeal Implementation Team (RIT) under his authority, direction, and control.
- The Under Secretary of Defense (Comptroller)/Chief Financial Officer will provide adequate funding for the RIT.
- The DA&M, through Washington Headquarters Services, will coordinate for and provide human resources, office/facilities, and other support for the RIT and as otherwise may be necessary to ensure success of this effort.
- The military departments and other DoD Components will provide full support as requested by the RIT, including detail personnel, information and analytical capacity.
- The Assistant Secretary of Defense for Public Affairs and the Assistant Secretary of Defense for Legislative Affairs will provide continuing support to provide ongoing situational awareness of the RIT process to the media and public and to the Congress, respectively