Congress of the United States
Washington, DC 20515

July 23, 2003

The Honorable Donald Rumsfeld
Secretary of Defense
Department of Defense
The Pentagon
Washington, DC 20301

Dear Secretary Rumsfeld:

We write to request full and complete implementation of the 13 Point Anti-Harassment Action Plan (AHAP) by all of the Armed Services.

In July 2000, then Secretary of Defense, William Cohen issued a directive mandating that all Services implement AHAP, a plan designed to halt anti-gay harassment and ensure a climate that fosters unit cohesion, as well as good order and discipline. Nearly three years later, we are still concerned about this directive's state of implementation. Since the directive was issued, Under Secretary Chu has indicated that full implementation is taking place. However, there does not appear to be evidence supporting this assertion.

The 13 Point Anti-Harassment Action Plan outlined the following four components to evaluate and ensure the "[t]reatment of all individuals with dignity and respect" within the Services: training, reporting, enforcement, and measurement. AHAP indicates that training must cover all aspects of the Homosexual Conduct Policy (HCP), including the "Don't Ask, Don't Tell, Don't Pursue, Don't Harass" (DADTDPDH) policy. Furthermore, both HCP and anti-harassment training programs should be "tailored to the grade and responsibility level of their audiences." The reporting component entails encouraging those with concerns to speak and providing confidential avenues for reporting. All HCP and anti-harassment training must outline all avenues available for reporting mistreatment and harassment and must ensure that persons receiving these reports are fully capable of handling them. According to the enforcement component, commanders must take action against harassers as well as those who condone or ignore mistreatment and harassment. Lastly, measurement calls for inspection programs to review and assess HCP and anti-harassment training implementation. Failure by the Services to comply with any one or part of these components must lead us to conclude that AHAP has not been fully implemented.

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Thus far, the Army's efforts to implement the Anti-Harassment Action Plan have consisted in the creation of a website featuring anti-harassment materials, coupled with a book and brochure for use in its training program. While these efforts represent, in many cases, a greater attempt to comply with AHAP than has been made by the other Services, they cannot be construed as full implementation. The Army has not shown that this information is presented in any consistent way, nor does it appear that many commands even know these resources exist. The Army has responded to AHAP's reporting requirement by designating defense attorneys and chaplains as "confidential" resources to whom service members can report anti-gay harassment.

However, according to the Army IG, 70 percent of soldiers are unaware that these persons have been so designated. Additionally, there is little indication that the Army has been enforcing anti-harassment rules. And while some effort has been made to measure that training is occurring, there remains no evidence of efforts to measure its effectiveness. Based on the information the Army has provided, we cannot conclude that full implementation of AHAP is in effect.

Air Force efforts to comply with AHAP training protocol exists solely within two slides of a power point presentation on the issue of harassment. The slides are not differentiated by grade and responsibility; general audiences, commanders, judge advocates, and law enforcement personnel all view the same slides. Furthermore, although AHAP explicitly states that training programs must clearly identify avenues to report harassment and mistreatment, Air Force training provides no clear indication to whom harassment incidents may be confidentially reported. Additionally, the Air Force has failed to supply any evidence of attempts to implement enforcement protocol or to test and review its training programs. Based on the information the Air Force has provided, we cannot conclude that full implementation of AHAP is in effect.

The Navy combines its DADTDPDH training with its general military training (GMT) on equal opportunity, sexual harassment prevention, and grievance procedures. However, contrary to AHAP direction, this training does not include information regarding how or to whom a sailor can safely report anti-gay harassment. The training also says little about the consequences harassers, and commands that violate DADTDPDH, will face. The Navy has suggested that equal opportunity (EO) posters, posted prominently in commands, meet reporting criteria under AHAP. However, we are unaware whether EO offices are currently sanctioned with the authority to provide assistance in cases of anti-gay harassment. Because EO's Mission Statement does not include sexual orientation, prominently displayed equal opportunity posters cannot be considered supporting evidence of the Navy's implementation of AHAP. Furthermore, we have no evidence that the Navy has made any efforts to implement enforcement or measurement protocols. Based on the information the Navy has provided, we cannot conclude that full implementation of AHAP is in effect.

The Marine Corps Commandant has directed newer and clearer policy training; however, it is apparent that full AHAP compliance is not currently taking place. To begin with, training on the "Don't Harass" aspects of DADTDPDH policy is incomplete. Furthermore, the Marine Corps has designated only "non-confidential" resources for reporting anti-gay harassment and, therefore, does not provide the "confidential" resources required by AHAP. Also, there is little indication that the Marine Corps has made attempts to enforce anti-harassment rules, and while some effort has been made to measure that training is occurring, there remains no evidence that the training's effectiveness is being measured. Based on the information that the Navy has provided, we cannot conclude that the Marine Corps has fully implemented AHAP.

Based on this information, we conclude that the Services are not in full compliance with 13 Point Anti-Harassment Action Plan and ask that the Department of Defense evaluate the Plan's implementation. Harassment in the Armed Forces, including anti-gay harassment, is unacceptable. Our interests lie with all of our service men and women and with the Armed Forces. The 13 Point Anti-Harassment Action Plan will serve to better our forces by ensuring a harassment-free climate that fosters unit cohesion and good order and discipline.

We urge your cooperation in re-stating the importance of Secretary Cohen's directive and in ordering the full and complete implementation of the Anti-Harassment Action Plan. We request an update on the status of implementation from the Department of Defense and each of the Services within six months.

Sincerely,

Robert Andrews
Member of Congress

Martin Meehan
Member of Congress

George Miller
Member of Congress

Barney Frank
Member of Congress

Carolyn Maloney
Member of Congress

Pete Fortney Stark
Member of Congress

James Moran
Member of Congress

Sheila Jackson-Lee
Member of Congress

Eleanor Holmes Norton
Member of Congress

Eliot Engel
Member of Congress

Brad Sherman
Member of Congress

Brian Baird
Member of Congress

Jerrold Nadler
Member of Congress

James Langevin
Member of Congress

William Delahunt
Member of Congress

Barbara Lee
Member of Congress

Ellen Tauscher
Member of Congress

Tammy Baldwin
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Rosa Delauro
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Janice Schakowsky
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Michael Honda
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Mark Udall
Member of Congress