

Exhibit E

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14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 LOG CABIN REPUBLICANS, a non-
17 profit corporation,
18
19 Plaintiff,
20
21 v.
22 UNITED STATES OF AMERICA and
23 ROBERT M. GATES, SECRETARY
24 OF DEFENSE, in his official capacity,
25
26 Defendants.

No. CV 04-8425 (VAP) (Ex)

**PLAINTIFF LOG CABIN
REPUBLICANS' FIRST SET OF
REQUESTS FOR ADMISSIONS
PROPOUNDED TO DEFENDANT
UNITED STATES OF AMERICA**

27 PROPOUNDING PARTY: Plaintiff LOG CABIN REPUBLICANS
28 RESPONDING PARTY: Defendant UNITED STATES OF AMERICA
SET NO.: ONE (1)

1 Pursuant to Federal Rule of Civil Procedure 36, plaintiff Log Cabin
2 Republicans (“LCR”) hereby requests that defendant United States of America
3 (“USA”) serve a written response to these requests for admissions within 30 days of
4 the date of service hereof.

5 DEFINITIONS

6 Throughout these requests for admission, the following terms (whether or not
7 capitalized) shall have the meanings set forth below.

8 1. The terms “DADT” and “Don’t Ask, Don’t Tell” refer to the policy
9 codified at 10 U.S.C. § 654 mandating the separation of service members from the
10 U.S. Armed Forces for homosexual conduct or for the propensity for homosexual
11 conduct.

12 2. The term “LGBT” means Lesbian, Gay, Bisexual and Transgendered.

13 3. The term “GAO” refers to the Government Accountability Office,
14 which is the audit, evaluation, and investigative arm of the United States Congress.

15 4. The term “Congress” refers to the Congress of the United States of
16 America.

17 5. The term “DOD” means the Department of Defense.

18 6. The term “Peace” refers to the periods in which there are no large-
19 scale deployments of U.S. Armed Forces overseas to areas of intense conflict.

20 7. The term “Conflict” refers to the periods of large-scale deployments of
21 U.S. Armed Forces overseas to areas of intense conflict. Examples of conflict
22 include but are not limited to Operation Enduring Freedom in Afghanistan and
23 Operation Iraqi Freedom.

24 REQUESTS

25 REQUEST FOR ADMISSION NO. 1:

26 Admit that on June 29, 2009, President Barack Obama made a speech in
27 front of an audience attending the Lesbian, Gay, Bisexual and Transgendered Pride
28

1 Month Reception held at the White House, the text of which speech is available at
2 http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-at-LGBT-
3 [Pride-Month-Reception/](http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-at-LGBT-Pride-Month-Reception/).

4 **REQUEST FOR ADMISSION NO. 2:**

5 Admit that on June 29, 2009, during his speech in front of an audience
6 attending the Lesbian, Gay, Bisexual and Transgendered Pride Month Reception
7 held at the White House, President Barack Obama stated, “As I said before – I’ll
8 say it again – I believe ‘don’t ask, don’t tell’ doesn’t contribute to our national
9 security. In fact, I believe preventing patriotic Americans from serving their
10 country weakens our national security.”

11 **REQUEST FOR ADMISSION NO. 3:**

12 Admit that DADT does not contribute to our national security.

13 **REQUEST FOR ADMISSION NO. 4:**

14 Admit that DADT weakens our national security.

15 **REQUEST FOR ADMISSION NO. 5:**

16 Admit that discharging service members pursuant to DADT weakens our
17 national security.

18 **REQUEST FOR ADMISSION NO. 6:**

19 Admit that on June 29, 2009, during his speech in front of an audience
20 attending the Lesbian, Gay, Bisexual and Transgendered Pride Month Reception
21 held at the White House, President Barack Obama stated that DADT has resulted in
22 the discharge of “patriots who often possess critical language skills and years of
23 training and who've served this country well.”

24 **REQUEST FOR ADMISSION NO. 7:**

25 Admit that DADT has resulted in the discharge of service members who
26 possess critical language skills.

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1 **REQUEST FOR ADMISSION NO. 8:**

2 Admit that DADT has resulted in the discharge of service members who have
3 served this country well.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that on June 29, 2009, during his speech in front of an audience
6 attending the Lesbian, Gay, Bisexual and Transgendered Pride Month Reception
7 held at the White House, President Barack Obama stated: “[W]hat I hope is that
8 these cases underscore the urgency of reversing this policy not just because it's the
9 right thing to do, but because it is essential for our national security.”

10 **REQUEST FOR ADMISSION NO. 10:**

11 Admit that reversing DADT is essential for our national security.

12 **REQUEST FOR ADMISSION NO. 11:**

13 Admit that on October 10, 2009, President Barack Obama made a speech at
14 the Walter E. Convention Center for the Human Rights Campaign Dinner, the text
15 of which is available at [http://www.whitehouse.gov/the_press_office/Remarks-by-](http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-at-Human-Rights-Campaign-Dinner/)
16 [the-President-at-Human-Rights-Campaign-Dinner/](http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-at-Human-Rights-Campaign-Dinner/).

17 **REQUEST FOR ADMISSION NO. 12:**

18 Admit that on October 10, 2009, President Barack Obama in his speech at the
19 Walter E. Convention Center for the Human Rights Campaign Dinner stated:

20 We should not be punishing patriotic Americans who
21 have stepped forward to serve this country. We should
22 be celebrating their willingness to show such courage
23 and selflessness on behalf of their fellow citizens,
24 especially when we're fighting two wars.

25 We cannot afford to cut from our ranks people with the
26 critical skills we need to fight any more than we can
27 afford – for our military's integrity – to force those
28

1 willing to do so into careers encumbered and
2 compromised by having to live a lie.

3 **REQUEST FOR ADMISSION NO. 13:**

4 Admit the United States cannot afford to cut LGBT service members from
5 the ranks of its military.

6 **REQUEST FOR ADMISSION NO. 14:**

7 Admit the United States cannot afford to force LGBT service members to
8 have their careers encumbered by DADT.

9 **REQUEST FOR ADMISSION NO. 15:**

10 Admit that the United States cannot afford to force LGBT service members
11 to live a lie.

12 **REQUEST FOR ADMISSION NO. 16:**

13 Admit that since President Barack Obama's speech on June 29, 2009, there
14 has been no stay in the application or enforcement of DADT.

15 **REQUEST FOR ADMISSION NO. 17:**

16 Admit that since President Barack Obama's speech on June 29, 2009, there
17 has been no stay of separation proceedings initiated pursuant to DADT.

18 **REQUEST FOR ADMISSION NO. 18:**

19 Admit that since President Barack Obama's speech on June 29, 2009, there
20 has been no stay of investigations pursuant to DADT.

21 **REQUEST FOR ADMISSION NO. 19:**

22 Admit that no timeline to repeal DADT has been publicly proposed by
23 President Barack Obama.

24 **REQUEST FOR ADMISSION NO. 20:**

25 Admit that in or around February 2005 the Government Accountability
26 Office issued a report (the GAO Report) to Congress entitled "Military Personnel:
27 Financial Costs and Loss of Critical Skills Due to DOD's Homosexual Conduct
28 Policy Cannot Be Completely Estimated," the text of which is available online at

1 <http://www.gao.gov/new.items/d05299.pdf>.

2 **REQUEST FOR ADMISSION NO. 21:**

3 Admit that the Government Accountability Office's Report issued in or
4 around February 2005 and entitled "Military Personnel: Financial Costs and Loss of
5 Critical Skills Due to DOD's Homosexual Conduct Policy Cannot Be Completely
6 Estimated" states:

7 The total costs of DOD's homosexual conduct
8 policy cannot be estimated because DOD does not
9 collect relevant cost data on inquiries and
10 investigations, counseling and pastoral care,
11 separation functions, and discharge reviews.
12 However, DOD does collect data on recruitment
13 and training costs for the force overall. Using
14 these data, GAO estimated that, over the 10-year
15 period, it could have cost DOD about \$95 million
16 in constant fiscal year 2004 dollars to recruit
17 replacements for service members separated under
18 the policy. Also, the Navy, Air Force, and Army
19 estimated that the cost to train replacements for
20 separated service members by occupation was
21 approximately \$48.8 million, \$16.6 million, and
22 \$29.7 million, respectively.

23 **REQUEST FOR ADMISSION NO. 22:**

24 Admit the Government Accountability Office's Report issued in or around
25 February 2005 and entitled "Military Personnel: Financial Costs and Loss of
26 Critical Skills Due to DOD's Homosexual Conduct Policy Cannot Be Completely
27 Estimated" found that between 1994 and 2003, 9,488 service members were
28

1 separated from the United States Armed Forces for homosexual conduct pursuant to
2 DADT.

3 **REQUEST FOR ADMISSION NO. 23:**

4 Admit the Government Accountability Office's Report issued in or around
5 February 2005 and entitled "Military Personnel: Financial Costs and Loss of
6 Critical Skills Due to DOD's Homosexual Conduct Policy Cannot Be Completely
7 Estimated" found that 757 of the service members separated from the United States
8 Armed Forces between 1994 and 2003 held "critical occupations, identified by
9 DOD as those occupations worthy of selective reenlistment bonuses."

10 **REQUEST FOR ADMISSION NO. 24:**

11 Admit the Government Accountability Office's Report issued in or around
12 February 2005 and entitled "Military Personnel: Financial Costs and Loss of
13 Critical Skills Due to DOD's Homosexual Conduct Policy Cannot Be Completely
14 Estimated" found that 322 of the service members separated from the United States
15 Armed Forces between 1994 and 2003 had "some skills in an important foreign
16 language such as Arabic, Farsi, or Korean."

17 **REQUEST FOR ADMISSION NO. 25:**

18 Admit it cost DOD at least \$90 million in constant fiscal year 2004 dollars to
19 recruit replacements for service members separated under the policy in the period
20 between 1994 and 2003.

21 **REQUEST FOR ADMISSION NO. 26:**

22 Admit the accuracy of the GAO report's finding that at least 9,488 service
23 members have been separated from the military under DADT from 1994 to 2003.

24 **REQUEST FOR ADMISSION NO. 27:**

25 Admit the accuracy of the GAO Report's finding that at least 757 service
26 members separated from the military under DADT from 1994 to 2003 held "critical
27 occupations."
28

1 **REQUEST FOR ADMISSION NO. 28:**

2 Admit the accuracy of the GAO Report's finding that at least 322 service
3 members separated from the military under DADT from 1994 to 2003 had "some
4 skills in an important foreign language such as Arabic, Farsi, or Korean."

5 **REQUEST FOR ADMISSION NO. 29:**

6 Admit that at least 13,000 service members were separated from the United
7 States Armed Forces since 1994 pursuant to DADT.

8 **REQUEST FOR ADMISSION NO. 30:**

9 Admit that at least 615 service members were separated from the United
10 States Armed Forces pursuant to DADT in 1994.

11 **REQUEST FOR ADMISSION NO. 31:**

12 Admit that at least 757 service members were separated from the United
13 States Armed Forces pursuant to DADT in 1995.

14 **REQUEST FOR ADMISSION NO. 32:**

15 Admit that at least 858 service members were separated from the United
16 States Armed Forces pursuant to DADT in 1996.

17 **REQUEST FOR ADMISSION NO. 33:**

18 Admit that at least 997 service members were separated from the United
19 States Armed Forces pursuant to DADT in 1997.

20 **REQUEST FOR ADMISSION NO. 34:**

21 Admit that at least 1,145 service members were separated from the United
22 States Armed Forces pursuant to DADT in 1998.

23 **REQUEST FOR ADMISSION NO. 35:**

24 Admit that at least 1,033 service members were separated from the United
25 States Armed Forces pursuant to DADT in 1999.

26 **REQUEST FOR ADMISSION NO. 36:**

27 Admit that at least 1,212 service members were separated from the United
28 States Armed Forces pursuant to DADT in 2000.

1 **REQUEST FOR ADMISSION NO. 37:**

2 Admit that at least 1,217 service members were separated from the United
3 States Armed Forces pursuant to DADT in 2001.

4 **REQUEST FOR ADMISSION NO. 38:**

5 Admit that at least 885 service members were separated from the United
6 States Armed Forces pursuant to DADT in 2002.

7 **REQUEST FOR ADMISSION NO. 39:**

8 Admit that at least 770 service members were separated from the United
9 States Armed Forces pursuant to DADT in 2003.

10 **REQUEST FOR ADMISSION NO. 40:**

11 Admit that at least 668 service members were separated from the United
12 States Armed Forces pursuant to DADT in 2004.

13 **REQUEST FOR ADMISSION NO. 41:**

14 Admit that at least 742 service members were separated from the United
15 States Armed Forces pursuant to DADT in 2005.

16 **REQUEST FOR ADMISSION NO. 42:**

17 Admit that at least 623 service members were separated from the United
18 States Armed Forces pursuant to DADT in 2006.

19 **REQUEST FOR ADMISSION NO. 43:**

20 Admit that at least 627 service members were separated from the United
21 States Armed Forces pursuant to DADT in 2007.

22 **REQUEST FOR ADMISSION NO. 44:**

23 Admit that at least 619 service members were separated from the United
24 States Armed Forces pursuant to DADT in 2008.

25 **REQUEST FOR ADMISSION NO. 45:**

26 Admit that at least 275 service members were separated from the United
27 States Armed Forces pursuant to DADT in 2009.

28

1 **REQUEST FOR ADMISSION NO. 46:**

2 Admit that, in 2009 alone, at least 2,000 former service members have left
3 the United States Armed Forces voluntarily in anticipation of investigation or
4 discharge pursuant to DADT.

5 **REQUEST FOR ADMISSION NO. 47:**

6 Admit that without a change in policy DOD will continue to authorize the
7 separation of service members for homosexual acts, for statements by service
8 members that demonstrate a propensity or intent to engage in homosexual acts, or
9 for a homosexual marriage or attempted marriage.

10 **REQUEST FOR ADMISSION NO. 48:**

11 Admit that between 1994 and 2003, servicewomen accounted for 27% of all
12 separations pursuant to DADT.

13 **REQUEST FOR ADMISSION NO. 49:**

14 Admit that between 1994 and 2003, servicewomen accounted for less than
15 20% of all service members in the United States Armed Forces.

16 **REQUEST FOR ADMISSION NO. 50:**

17 Admit that between 1994 and 2003, DADT disproportionately affected
18 servicewomen in the United States Armed Forces.

19 **REQUEST FOR ADMISSION NO. 51:**

20 Admit that DADT continues to disproportionately affect servicewomen in the
21 United States Armed Forces.

22 **REQUEST FOR ADMISSION NO. 52:**

23 Admit that known felons are currently permitted to serve in the United States
24 Armed Forces.

25 **REQUEST FOR ADMISSION NO. 53:**

26 Admit that at least 824 felons enlisted in the United States Armed Forces in
27 2003.

28

1 **REQUEST FOR ADMISSION NO. 54:**

2 Admit that at least 638 felons enlisted in the United States Armed Forces in
3 2004.

4 **REQUEST FOR ADMISSION NO. 55:**

5 Admit that at least 1,163 felons enlisted in the United States Armed Forces in
6 2005.

7 **REQUEST FOR ADMISSION NO. 56:**

8 Admit that at least 1,605 felons enlisted in the United States Armed Forces in
9 2006.

10 **REQUEST FOR ADMISSION NO. 57:**

11 Admit that from 2003 to 2006, the number of felons enlisting in the United
12 States Armed Forces increased by at least 194%.

13 **REQUEST FOR ADMISSION NO. 58:**

14 Admit that from 2003 to 2006, the United States Armed Forces allowed at
15 least 4,230 convicted felons to enlist under the "moral waiver" program for new
16 recruits.

17 **REQUEST FOR ADMISSION NO. 59:**

18 Admit that from 2003 to 2006, the United States Armed Forces allowed at
19 least 43,977 individuals convicted of serious misdemeanors, such as assault, to
20 enlist under the "moral waiver" program for new recruits.

21 **REQUEST FOR ADMISSION NO. 60:**

22 Admit that from 2003 to 2006, the United States Armed Forces allowed at
23 least 58,561 individuals who had abused illegal drugs to enlist under the "moral
24 waivers" program for new recruits.

25 **REQUEST FOR ADMISSION NO. 61:**

26 Admit that the United States Army includes kidnapping among its offenses
27 permissible under the "moral waiver" program for new recruits.

28

1 **REQUEST FOR ADMISSION NO. 62:**

2 Admit that the United States Army includes rape among its offenses
3 permissible under the “moral waiver” program for new recruits.

4 **REQUEST FOR ADMISSION NO. 63:**

5 Admit that the United States Army includes child abuse among its offenses
6 permissible under the “moral waiver” program for new recruits.

7 **REQUEST FOR ADMISSION NO. 64:**

8 Admit that the United States Army includes making terrorist threats among
9 its offenses permissible under the “moral waiver” program for new recruits.

10 **REQUEST FOR ADMISSION NO. 65:**

11 Admit that the United States Army includes hate crimes among its offenses
12 permissible under the “moral waiver” program for new recruits.

13 **REQUEST FOR ADMISSION NO. 66:**

14 Admit that the United States Army includes murder among its offenses
15 permissible under the “moral waiver” program for new recruits.

16 **REQUEST FOR ADMISSION NO. 67:**

17 Admit that the “moral waiver” program does not permit openly gay or
18 lesbian Americans to enlist in the United States Army.

19 **REQUEST FOR ADMISSION NO. 68:**

20 Admit that kidnappers, rapists, child abusers, terrorists, racists, and
21 murderers are more morally capable of serving in the United States Army than gay
22 men and lesbians.

23 **REQUEST FOR ADMISSION NO. 69:**

24 Admit that a bill to repeal DADT has been pending in Congress in 2005.

25 **REQUEST FOR ADMISSION NO. 70:**

26 Admit that over 100 Congressmembers have co-sponsored a bill to repeal
27 DADT.

28

1 **REQUEST FOR ADMISSION NO. 71:**

2 Admit that gay and lesbian service members' constitutional liberties and right
3 to privacy under the Due Process Clause of the Fifth Amendment encompass and
4 protect intimate, consensual physical acts and relationships with persons of the
5 same gender.

6 **REQUEST FOR ADMISSION NO. 72:**

7 Admit that DADT applies to members of the armed forces regardless of
8 whether they serve in combat or non-combat positions.

9 **REQUEST FOR ADMISSION NO. 73:**

10 Admit that service members who have been separated from the United States
11 Armed Forces under DADT include translators.

12 **REQUEST FOR ADMISSION NO. 74:**

13 Admit that 37 linguists at the Defense Language Institute were discharged
14 pursuant to DADT in 2002 and 2003.

15 **REQUEST FOR ADMISSION NO. 75:**

16 Admit that service members who have been separated from the United States
17 Armed Forces under DADT include medical personnel.

18 **REQUEST FOR ADMISSION NO. 76:**

19 Admit that service members who have been separated from the United States
20 Armed Forces under DADT include dental care technicians.

21 **REQUEST FOR ADMISSION NO. 77:**

22 Admit that service members who have been separated from the United States
23 Armed Forces under DADT include ophthalmologists.

24 **REQUEST FOR ADMISSION NO. 78:**

25 Admit that service members who have been separated from the United States
26 Armed Forces under DADT include members of the JAG Corps.

27

28

1 **REQUEST FOR ADMISSION NO. 79:**

2 Admit that discharges under DADT occur more frequently in times of peace
3 than in times of conflict.

4 **REQUEST FOR ADMISSION NO. 80:**

5 Admit that since the commencement of Operation Enduring Freedom in
6 Afghanistan in October 2001 and Operation Iraqi Freedom in March 2003,
7 separations of service members under DADT have decreased by over 45% from a
8 peak of at least 1,217 separations in 2001 to at least 619 separations in 2008.

9 **REQUEST FOR ADMISSION NO. 81:**

10 Admit that Australia permits openly gay and lesbian service members to
11 enlist and serve in its armed forces.

12 **REQUEST FOR ADMISSION NO. 82:**

13 Admit that Austria permits openly gay and lesbian service members to enlist
14 and serve in its armed forces.

15 **REQUEST FOR ADMISSION NO. 83:**

16 Admit that Bahamas permits openly gay and lesbian service members to
17 enlist and serve in its armed forces.

18 **REQUEST FOR ADMISSION NO. 84:**

19 Admit that Belgium permits openly gay and lesbian service members to
20 enlist and serve in its armed forces.

21 **REQUEST FOR ADMISSION NO. 85:**

22 Admit that the United Kingdom permits openly gay and lesbian service
23 members to enlist and serve in its armed forces.

24 **REQUEST FOR ADMISSION NO. 86:**

25 Admit that Canada permits openly gay and lesbian service members to enlist
26 and serve in its armed forces.

27

28

1 **REQUEST FOR ADMISSION NO. 87:**

2 Admit that the Czech Republic permits openly gay and lesbian service
3 members to enlist and serve in its armed forces.

4 **REQUEST FOR ADMISSION NO. 88:**

5 Admit that Denmark permits openly gay and lesbian service members to
6 enlist and serve in its armed forces.

7 **REQUEST FOR ADMISSION NO. 89:**

8 Admit that Estonia permits openly gay and lesbian service members to enlist
9 and serve in its armed forces.

10 **REQUEST FOR ADMISSION NO. 90:**

11 Admit that Finland permits openly gay and lesbian service members to enlist
12 and serve in its armed forces.

13 **REQUEST FOR ADMISSION NO. 91:**

14 Admit that France permits openly gay and lesbian service members to enlist
15 and serve in its armed forces.

16 **REQUEST FOR ADMISSION NO. 92:**

17 Admit that Ireland permits openly gay and lesbian service members to enlist
18 and serve in its armed forces.

19 **REQUEST FOR ADMISSION NO. 93:**

20 Admit that Israel permits openly gay and lesbian service members to enlist
21 and serve in its armed forces.

22 **REQUEST FOR ADMISSION NO. 94:**

23 Admit that Italy permits openly gay and lesbian service members to enlist
24 and serve in its armed forces.

25 **REQUEST FOR ADMISSION NO. 95:**

26 Admit that Lithuania permits openly gay and lesbian service members to
27 enlist and serve in its armed forces.

28

1 **REQUEST FOR ADMISSION NO. 96:**

2 Admit that Luxembourg permits openly gay and lesbian service members to
3 enlist and serve in its armed forces.

4 **REQUEST FOR ADMISSION NO. 97:**

5 Admit that the Netherlands permits openly gay and lesbian service members
6 to enlist and serve in its armed forces.

7 **REQUEST FOR ADMISSION NO. 98:**

8 Admit that New Zealand permits openly gay and lesbian service members to
9 enlist and serve in its armed forces.

10 **REQUEST FOR ADMISSION NO. 99:**

11 Admit that Norway permits openly gay and lesbian service members to enlist
12 and serve in its armed forces.

13 **REQUEST FOR ADMISSION NO. 100:**

14 Admit that Slovenia permits openly gay and lesbian service members to
15 enlist and serve in its armed forces.

16 **REQUEST FOR ADMISSION NO. 101:**

17 Admit that South Africa permits openly gay and lesbian service members to
18 enlist and serve in its armed forces.

19 **REQUEST FOR ADMISSION NO. 102:**

20 Admit that Spain permits openly gay and lesbian service members to enlist
21 and serve in its armed forces.

22 **REQUEST FOR ADMISSION NO. 103:**

23 Admit that Sweden permits openly gay and lesbian service members to enlist
24 and serve in its armed forces.

25 **REQUEST FOR ADMISSION NO. 104:**

26 Admit that Switzerland permits openly gay and lesbian service members to
27 enlist and serve in its armed forces.

28

1 **REQUEST FOR ADMISSION NO. 105:**

2 Admit that at least 24 countries allow openly gay and lesbian service
3 members of their respective armed forces to serve.

4 **REQUEST FOR ADMISSION NO. 106:**

5 Admit that Australia abandoned its prohibition of military service by openly
6 gay and lesbian service members without any documented adverse impact on unit
7 cohesion.

8 **REQUEST FOR ADMISSION NO. 107:**

9 Admit that Australia abandoned its prohibition of military service by openly
10 gay and lesbian service members without any documented adverse impact on troop
11 morale.

12 **REQUEST FOR ADMISSION NO. 108:**

13 Admit that Australia abandoned its prohibition of military service by openly
14 gay and lesbian service members without any documented adverse impact on
15 national defense.

16 **REQUEST FOR ADMISSION NO. 109:**

17 Admit that Canada abandoned its prohibition of military service by openly
18 gay and lesbian service members without any documented adverse impact on unit
19 cohesion.

20 **REQUEST FOR ADMISSION NO. 110:**

21 Admit that Canada abandoned its prohibition of military service by openly
22 gay and lesbian service members without any documented adverse impact on troop
23 morale.

24 **REQUEST FOR ADMISSION NO. 111:**

25 Admit that Canada abandoned its prohibition of military service by openly
26 gay and lesbian service members without any documented adverse impact on
27 national defense.

28

1 **REQUEST FOR ADMISSION NO. 112:**

2 Admit that the United Kingdom abandoned its prohibition of military service
3 by openly gay and lesbian service members without any documented adverse
4 impact on unit cohesion.

5 **REQUEST FOR ADMISSION NO. 113:**

6 Admit that the United Kingdom abandoned its prohibition of military service
7 by openly gay and lesbian service members without any documented adverse
8 impact on troop morale.

9 **REQUEST FOR ADMISSION NO. 114:**

10 Admit that the United Kingdom abandoned its prohibition of military service
11 by openly gay and lesbian service members without any documented adverse
12 impact on national defense.

13 **REQUEST FOR ADMISSION NO. 115:**

14 Admit that Israel abandoned its prohibition of military service by openly gay
15 and lesbian service members without any documented adverse impact on unit
16 cohesion.

17 **REQUEST FOR ADMISSION NO. 116:**

18 Admit that Israel abandoned its prohibition of military service by openly gay
19 and lesbian service members without any documented adverse impact on troop
20 morale.

21 **REQUEST FOR ADMISSION NO. 117:**

22 Admit that Israel abandoned its prohibition of military service by openly gay
23 and lesbian service members without any documented adverse impact on national
24 defense.

25 **REQUEST FOR ADMISSION NO. 118:**

26 Admit that in both Afghanistan and Iraq, U.S. Armed Forces fight side by
27 side with coalition forces from Great Britain, Australia and numerous other
28 coalition member countries that allow lesbian and gay service members to serve

1 openly in their respective militaries.

2 **REQUEST FOR ADMISSION NO. 119:**

3 Admit that since members of the U.S. Armed Forces began fighting side by
4 side with coalition forces from countries that allow lesbian and gay service
5 members to serve openly in their respective militaries, there have been no
6 documented adverse effects arising from the proximity of gay and lesbian coalition
7 soldiers to American soldiers on the unit cohesion or morale of any member or
8 members of the U.S. Armed Forces.

9 **REQUEST FOR ADMISSION NO. 120:**

10 Admit that the Federal Bureau of Investigation has no ban on the service of
11 openly gay or lesbian agents or employees.

12 **REQUEST FOR ADMISSION NO. 121:**

13 Admit that the Central Intelligence Agency has no ban on the service of
14 openly gay or lesbian agents or employees.

15 **REQUEST FOR ADMISSION NO. 122:**

16 Admit that the National Security Agency has no ban on the service of openly
17 gay or lesbian employees.

18 **REQUEST FOR ADMISSION NO. 123:**

19 Admit that at least 21 states forbid discrimination on the basis of sexual
20 orientation.

21 **REQUEST FOR ADMISSION NO. 124:**

22 Admit that at least 21 states allow the service of openly gay or lesbian
23 individuals in their fire departments.

24 **REQUEST FOR ADMISSION NO. 125:**

25 Admit that during the 1992 Congressional hearings on the service in the
26 United States Armed Forces by gay and lesbian service members, Senator John
27 Kerry asked how the United States Armed Forces could “properly or righteously or
28

1 morally protect freedom if its own policies deny freedom to a significant minority
2 of citizens.”

3 **REQUEST FOR ADMISSION NO. 126:**

4 Admit that in a 2003 article in the National Law Review, Rear Admiral John
5 Hutson (ret.) described DADT as “odious” and “virtually unworkable in the
6 military.”

7 **REQUEST FOR ADMISSION NO. 127:**

8 Admit that in a New York Times essay dated January 2, 2007, General John
9 Shalikashvili (ret.), former chairman of the Joint Chiefs of Staff, wrote: “When [the
10 repeal of DADT] comes, gay men and lesbians will no longer have to conceal who
11 they are, and the military will no longer need to sacrifice those whose service it
12 cannot afford to lose.”

13 **REQUEST FOR ADMISSION NO. 128:**

14 Admit that former Vice President Dick Cheney described the security risk
15 rationale underlying policies banning gays and lesbians from service in the United
16 States Armed Forces as “a bit of an old chestnut.”

17 **REQUEST FOR ADMISSION NO. 129:**

18 Admit that NATO Commander Wesley Clark (ret.) on NBC’s *Meet the Press*
19 on June 15, 2003 said: “People were much more irate about [gay service in the
20 military] in the early 90’s than I found in the late 90’s, for whatever reason,
21 [perhaps because of] younger people coming into the military. It just didn’t seem to
22 be the same emotional hot button issue by ’98, ’99, than it had been in ’92, ’93.”

23 **REQUEST FOR ADMISSION NO. 130:**

24 Admit that in a 2007 Wall Street Journal essay, former Republican
25 Congressman Bob Barr wrote: “The bottom line here is that, with nearly a decade
26 and a half of the hybrid ‘don’t ask, don’t tell’ policy to guide us, I have become
27 deeply impressed with the growing weight of credible military opinion which
28

1 concludes that allowing gays to serve openly in the military does not pose
2 insurmountable problems for the good order and discipline of the services.”

3 **REQUEST FOR ADMISSION NO. 131:**

4 Admit that a 2006 Zogby poll of troops who had served in Afghanistan and
5 Iraq found that 72% of respondents would be personally comfortable interacting
6 with gays and lesbians in the United States Armed Forces.

7 **REQUEST FOR ADMISSION NO. 132:**

8 Admit that Charles Moskos was one of the principal authors of DADT.
9

10 Dated: December 10, 2009

WHITE & CASE LLP

11
12 By: 

13 Patriek Hunnius

14 Attorneys for Plaintiff
15 Log Cabin Republicans
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1 PROOF OF SERVICE

2 I am employed in the County of Los Angeles, State of California. I am over
3 the age of 18 and not a party to the within action. My business address is 633 W.
4 Fifth Street, Suite 1900, Los Angeles, CA 90071-2007. I am employed by a
member of the Bar of this Court at whose direction the service was made.

5 On December 10, 2009, I served the foregoing document(s) described as
6 PLAINTIFF LOG CABIN REPUBLICANS' FIRST SET OF REQUESTS FOR
7 ADMISSIONS PROPOUNDED TO DEFENDANT UNITED STATES OF
AMERICA on the person(s) below, as follows:

8 Roger West, AUSA First Assistant Chief
9 U.S. Department of Justice
10 United States Attorney
11 Central Division of California
Federal Building, Suite 7516
300 North Los Angeles Street
Los Angeles, CA 90012

Tony West
Vincent M. Garvey
Paul G. Freeborne
U.S. Department of Justice, Civil Div.
Federal Programs Branch
P.O. Box 883
Washington, DC 20044

12 Telephone: (213) 894-2461
13 Facsimile: (213) 894-7819/7385

Telephone: (202) 353-0543
Fax: (202) 616-8460 / (or)
(202) 616-8202

14
15 (BY MAIL) I enclosed the document(s) in a sealed envelope or
16 package addressed to the person(s) at the address(es) listed above and
17 placed the envelope for collection and mailing at White & Case, LLP,
18 Los Angeles, California, following our ordinary business practices. I
19 am readily familiar White & Case's practice for collection and
20 processing of correspondence for mailing with the United States Postal
21 Service. Under that practice, the correspondence would be deposited
22 in the United States Postal Service on that same day in the ordinary
23 course of business.

Executed on December 10, 2009 at Los Angeles, California.

24 I declare under penalty of perjury under the laws of the State of California
25 and the United States of America that the above is true and correct.

26 
27 _____
28 Cynthia Gomez