

Drive to Repeal 'Don't Ask' Policy All but Lost for Now

By LAURA MECKLER

The drive in Congress to repeal the military's "don't ask, don't tell" policy appears all but lost for the foreseeable future, with action unlikely this year and even less likely once Republicans take charge of the House in January.

President Barack Obama has repeatedly said he wants to overturn the policy, which bans gays from serving openly in the armed forces. Advocates on both sides believed the issue had a chance of coming up in this month's post-election session of Congress. Now that looks unlikely.

Sens. Carl Levin of Michigan and John McCain of Arizona, the top Democrat and Republican on the Senate Armed Services Committee, are in talks on stripping the proposed repeal and other controversial provisions from a broader defense bill, leaving the repeal with no legislative vehicle to carry it. With a repeal attached, and amid Republican complaints over the terms of the debate, the defense bill had failed to win the 60 votes needed to overcome a procedural hurdle in the Senate in September.

A spokeswoman for Mr. McCain, who opposes the repeal, confirmed he is in talks with Mr. Levin on how to proceed on the defense bill but didn't provide details.

Moving the defense bill is also complex, especially if it includes controversial measures, because it could take two weeks or longer on the Senate floor, and the coming session is expected to last only three or four weeks.

Tommy Sears, executive director of the Center for Military Readiness, which opposes a repeal, rated the chance of action "extremely low." Richard Socarides, an activist and former adviser on gay rights to President Bill Clinton, said it was "extremely unrealistic" that Congress would take it up this year.

The Obama administration isn't raising expectations that the issue will be considered this year. "I would like to see the repeal of 'don't ask, don't tell,' but I'm not sure what the prospects for that are," Defense Secretary Robert Gates told reporters traveling with him in Australia over the weekend.

Asked what the White House priorities are for the coming congressional session, press secretary Robert Gibbs named four issues—tax cuts, a nuclear-arms treaty with Russia, a child nutrition bill and confirmation of Jack Lew as White House budget director. Asked why he wouldn't put gays in the military on the list, Mr. Gibbs said it looked like Republicans would block action.

Supporters of the current policy gained high-profile backing over the weekend when the new commandant of the Marine Corps said he was concerned about unit cohesion and combat readiness if the policy was overturned. "There's risk involved," Gen. James Amos said. "This is not a social thing. This is combat effectiveness."

Failure to act on the policy would heighten tensions between the White House and its supporters in the gay community, many of whom hoped Mr. Obama would have accomplished far more on their agenda by now.

"What has been particularly surprising to me is how broadly the disappointment is felt. It's as if people feel more betrayed than just let down," said Mr. Socarides.

Openly gay service members can be discharged under the policy, and gay recruits barred from serving. Mr. Obama said last week that if someone is willing to serve, he or she shouldn't be barred because of sexual orientation. But he has said he cannot change the policy unilaterally, because it was put into law by Congress, in 1993.

The issue isn't high on the to-do list of Rep. John Boehner (R., Ohio), the likely next House speaker. "In the midst of two wars, even with one winding down, I certainly don't think this will be a priority," said Michael Steel, spokesman for Mr. Boehner. When the House voted to repeal don't ask earlier this year, five Republicans voted yes and 168 voted no.

The Pentagon is conducting a study of the matter that is due Dec. 1. Some Republicans have said it would be premature to act before the study is complete.

The courts could force a change. A federal judge has ruled the policy is unconstitutional, though that ruling has been put on hold.

In the meantime, the Pentagon has said that only a handful of senior officials may approve discharges under the policy, in what could become a de facto moratorium on enforcement. Even so, new recruits still can't join the military if they are openly gay.

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