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End of military gay ban urged

Activists press for quick Senate action

By David Crary
Associated Press

NEW YORK — Elated by a major court victory, gay-rights activists are stepping up pressure on Congress to repeal the military's "don't ask, don't tell" policy this month. They want to avoid potentially lengthy appeals and fear their chances for a legislative fix will fade after Election Day.

The House voted in May to repeal the 17-year-old policy banning openly gay service members. Many majority Democrats in the Senate want to take up the matter in the remaining four weeks before the pre-election recess, but they face opposition from Republican

leaders.

National gay-rights groups, fearing possible Democratic losses on Nov. 2, urged supporters Friday to flood senators' offices with phone calls and e-mails asking that the Senate vote on the measure the week of Sept. 20.

"If we don't speak up now, our window for repeal could close," said Joe Solmonese, president of the Human Rights Campaign.

Supporters of repeal hope senators heed the ruling issued Thursday in Los Angeles by U.S. District Judge Virginia Phillips, who said 'don't ask, don't tell' was an unconstitutional violation of the due process and free speech rights of gays and lesbians.

The policy has a "direct and deleterious effect" on the military by hurting recruitment efforts during wartime and requiring the discharge of service members who

have critical skills and training, she said.

The Log Cabin Republicans, a GOP gay-rights organization, sued the federal government in 2004 to stop the policy, and Phillips said she would draft an order within a week doing just that. The U.S. Department of Justice hasn't said whether it will appeal the ruling.

Defense Secretary Robert Gates and Joint Chiefs of Staff chairman Adm. Mike Mullen — both in favor of repealing "don't ask, don't tell" — say they prefer that the change wait until the military completes a review of the issue. That study, due in December, includes surveys of troops and their families to get their views and help determine how a change would be implemented.

Gay-rights activists, fearing the election could tilt the balance of power in Congress, don't want to

wait.

"We're pleased by the judge's decision, but this decision is likely to be appealed and will linger for years," said Aubrey Sarvis of the Servicemembers Legal Defense Network, which has lobbied against "don't ask, don't tell."

The House-passed repeal measure is contained in a broader defense policy bill which has yet to be sent to the Senate floor because of an objection by Sen. John McCain, R-Ariz., during debate in the Armed Services Committee.

McCain said it was "disgraceful" to push for a vote on the repeal before completion of the Pentagon review.

Democrats, who in effect hold 59 Senate seats, will need at least some Republican support to reach the 60 votes needed to pass the bill. Republican Susan Collins of Maine voted for repeal in committee.