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## Group asks court to lift ban on gays as US appeals

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SAN FRANCISCO -- A gay rights group that successfully sued to overturn the military's "don't ask, don't tell" policy said Monday that national security would not be irreparably harmed by allowing gays to serve openly while the federal government appeals the case.

The Log Cabin Republicans organization asked the 9th U.S. Circuit Court of Appeals to let stand an order by a lower court that barred the policy.

The move came after a three-judge panel of the appeals court imposed a temporary stay that in effect reinstated "don't ask, don't tell" eight days after U.S. District Judge Virginia Phillips issued a worldwide injunction halting its application.

The panel is now considering whether to extend the ban during the appeal by the federal government. The Log Cabin group was given until Monday to present arguments.

President Barack Obama favors repealing the Clinton-era law but wants it done by Congress. However, lawyers for the Log Cabin group argued that the Obama administration has not proven that allowing gays in uniform would be problematic.

"The district court's injunction requires only one thing: that the government discontinue all investigations and discharge proceedings that have been commenced under the 'don't ask, don't tell' statute," lawyers for the group wrote.

Department of Justice lawyers said last week that allowing the order by Phillips to stand "would create tremendous uncertainty" for gay service members and deprive the armed forces of time to develop integration procedures.

Log Cabin's lawyers countered that depriving gays of their civil rights is a much more serious problem that continues each day that "don't ask, don't tell" remained law.

"The emergency stay of injunction that the government requests would perpetuate this unconstitutional state of affairs," the lawyers said.

The appeals court panel is expected to move quickly on the issue.