

Lesbian's suit is reinstated

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SAN FRANCISCO (AP) — A federal appeals court reinstated a lesbian's lawsuit over her discharge from the Army reserves, ruling that society's prejudice is no justification for the Pentagon's ban on homosexuals.

The ruling Monday by the 9th U.S. Circuit Court of Appeals was a victory for Dusty Pruitt, who was given an honorable but involuntary discharge in 1986 after she gave an interview to the Los Angeles Times describing the problems of being a lesbian in the military.

The appeals court noted that past rulings upholding the military's 48-year-old ban on homosexuals were based, at least in part, on acceptance of the prejudice of others.

That rationale was undercut by a 1984 U.S. Supreme Court ruling that

said social disapproval of an interracial marriage did not justify denial of child custody, the court said. A later ruling clarified that the same standard applied to other types of discrimination, the three-member panel said.

Miss Pruitt's lawsuit seeking reinstatement had been dismissed by U.S. District Judge William Gray, who said the courts owed deference to the Army's determination that homosexuals are incompatible with its mission.

The appeals court said Judge Gray must reconsider the case and require the Army to present specific justifications for its policy.

The court appears to be saying that "the Army has to do more than

show there are people in the military who don't like lesbians and gay men," said Jon Davidson of the American Civil Liberties Union of Southern California, a lawyer in the case.

The Army was represented in the case by the Justice Department. Department spokesman Joseph Krovisky had no comment on the ruling.

The Pentagon has said the presence of homosexuals could damage discipline and morale, interfere with the system of command and undermine security.

Miss Pruitt, 44, served in the Army from 1971 to 1975. She gained the rank of captain and remained an officer in the reserves after leaving active duty to become a Methodist minister in Long Beach.