

Military recruiters told to accept gay applicants

AP Associated Press

By ANNE FLAHERTY, Associated Press Writer

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WASHINGTON – The Defense Department said Tuesday that it is accepting openly gay recruits, but is warning applicants they might not be allowed to stick around for long.

Following last week's court ruling that struck down a 1993 law banning gays from serving openly, the military has suspended enforcement of the rule known as "don't ask, don't tell." The Justice Department is appealing the decision and has asked the courts for a temporary stay on the ruling.

The Defense Department said it would comply with the law and had frozen any discharge cases. But at least one case was reported of a man being turned away from an Army recruiting office in Austin, Texas.

Pentagon spokeswoman Cynthia Smith on Tuesday confirmed that recruiters had been given top-level guidance to accept applicants who say they are gay.

Recruiters also have been told to inform potential recruits that the moratorium on enforcement of "don't ask, don't tell" could be reversed at any point, if the ruling is appealed or the court grants a stay, she said.

The uncertain status of the law has caused much confusion within an institution that has historically discriminated against gays. Before the 1993 law, the Defense Department banned gays entirely and declared them incompatible with military service.

Douglas Smith, spokesman for U.S. Army Recruiting Command based at Fort Knox, Ky., said even before the ruling recruiters did not ask applicants about their sexual orientation. The difference now is that recruiters will process those who say they are gay.

"If they were to self admit that they are gay and want to enlist, we will process them for enlistment, but will tell them that the legal situation could change," Smith said.

He said the enlistment process takes time and recruiters have been told to inform those who are openly gay that they could be declared ineligible if the law is upheld on appeal.

"U.S. Army Recruiting Command is going to follow the law, whatever the law is at the time," he said.

U.S. District Judge Virginia Phillips, who had ordered the military to stop enforcing "don't ask, don't tell," was expected to deny the administration's request to delay her order. That would send the case to the 9th Circuit Court of Appeals.

After Phillips' ruling last week, Omar Lopez — discharged from the Navy in 2006 after admitting his gay status to his military doctor — walked into an Army recruiting office in Austin and asked if he could re-enlist. He said he was up front, even showing the recruiters his Navy discharge papers.

"They just said, 'I can't let you re-enlist because we haven't got anything down from the chain of command,'" Lopez, 29, told the AP in a telephone interview. "They were courteous and apologetic, but they couldn't help me."

Smith was unable to confirm the account. She said guidance on gay applicants had been issued to recruiting commands on Oct. 15.

Associated Press writer Kristin M. Hall in Nashville, Tenn., contributed to this report.

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