

Move to End 'Don't Ask, Don't Tell' Stalls in Senate

By **DAVID M. HERSZENHORN**

WASHINGTON — The Senate on Tuesday voted against taking up a major military bill that would allow the repeal of the “don't ask, don't tell” policy, disappointing advocates of allowing gay Americans to serve openly in the armed forces but leaving open the likelihood of another vote later this year.

The outcome, at a time when Congress is increasingly paralyzed by the partisan fury of the midterm elections, was more a result of a dispute between Democrats and Republicans over legislative process than a straightforward referendum on whether to allow gay, lesbian and bisexual soldiers to serve openly.

President Obama, Defense Secretary Robert M. Gates and Adm. Mike Mullen, the chairman of the Joint Chiefs of Staff, have all said they favor repealing the 17-year-old policy. And the House has already approved legislation that would allow the Pentagon to rescind it, while the legal fight is advancing in the federal courts.

But Senate Republicans voted unanimously to block debate on the bill, the annual authorization of military programs, after the majority leader, Harry Reid, Democrat of Nevada, said he would attach a number of the Democrats' election-year priorities to it while also moving to limit the amendments offered by Republicans.

One Republican, Susan Collins of Maine, said she voted to block the bill for procedural reasons despite supporting the provision to allow repeal of the “don't ask, don't tell” policy. Other Republicans have suggested they might be open to supporting the change later in the year, once the military has finished a study of the likely effects of the proposed policy shift.

The vote was 56 to 43, with Democrats falling short of the 60 votes needed to overcome a filibuster and bring the bill to the floor.

Both Arkansas Democrats, Blanche Lincoln and Mark Pryor, sided with all 40 Republicans present in opposing debate. Mr. Reid switched his vote to no at the last minute, a procedural maneuver that allowed him to call for a revote.

Among the amendments that Mr. Reid had pledged to attach to the bill was an immigration measure that would create a path to citizenship for certain illegal immigrants who arrived in the United States as children. That effort was viewed by Republicans as a naked political ploy to mobilize Hispanic voters in races across the country, including Mr. Reid's own re-election campaign in Nevada.

Supporters of gay rights and advocates for immigrants said they were deeply disappointed by the vote.

Lawmakers in favor of repealing “don’t ask, don’t tell” made emotional appeals on the Senate floor.

“It ought to go,” said Senator Joseph I. Lieberman, independent of Connecticut. “It’s un-American. It’s inconsistent with our best values of equal opportunity, who can get the job done, not what your private life is about.”

Mr. Lieberman and others said they would continue the fight.

Congress has approved the annual Pentagon bill for 48 consecutive years, and it seems likely that the measure will be brought up again after the election in the relatively calmer — if somewhat unpredictable — atmosphere of a lame-duck session.

The repeal language might be easier to pass in the Senate after Dec. 1 when a Pentagon study on the effects of ending the policy is due. Senator John McCain of Arizona, the senior Republican on the Armed Services Committee, has said it would be premature to vote before the results of that study are known.

As it stands, the Senate measure would not allow repeal of the policy until after the study is completed and Mr. Obama and top military commanders certify that ending “don’t ask, don’t tell” would not harm morale or impede the readiness of troops.

Democrats immediately sought to blame Republicans for obstructing both the immigration measure, known as the Dream Act, and the repeal of “don’t ask, don’t tell.”

The language allowing the Pentagon to end “don’t ask, don’t tell” was approved last spring by the Senate Armed Services Committee, and at the time it won the support of one Republican, Ms. Collins. Since the provision is now part of the base bill, opponents of it need 60 senators to vote to remove it — an unlikely prospect.

In addition, at least one Democrat who opposed the repeal language, Senator Jim Webb of Virginia, had said he would not vote against the overall bill simply to maintain the “don’t ask don’t tell” policy. Mr. Webb voted on Tuesday to move the bill forward.

Although the Obama administration strongly supports repealing the policy, the White House has already threatened to veto the House version of the military bill over several provisions it opposes, including authorization of \$485 million for construction of an extra engine for the F-35 joint strike fighter. The administration believes the extra engine is wasteful.

The Defense Department initially ordered two engines for the new fighters, made by different manufacturers. But the Bush administration decided that the second engine was not needed,

prompting a fight with some lawmakers who want to preserve manufacturing jobs in their home states and districts.

But substantive policy disagreements were a secondary consideration Tuesday in the skirmishing on the Senate floor. Ms. Collins sharply criticized Mr. Reid for politicizing the military measure.

“There are many controversial issues in this bill,” Ms. Collins said in a floor speech. “They deserve to have a civil, fair and open debate on the Senate floor, and that is why I am so disappointed that rather than allowing full and open debate and the opportunity for amendments from both sides of the aisle, the majority leader apparently intends to shut down the debate and exclude Republicans from offering a number of amendments.”

With time running short before lawmakers leave Washington to turn their full attention to the fall campaign, Senate Democrats said they planned to hold another vote on a bill to toughen disclosure requirements on campaign spending by corporations and other private groups.

The Democrats have proposed a bill to respond to a recent Supreme Court ruling that allows mostly unfettered campaign spending by corporations. Republicans blocked the bill in July and are expected to do so again.