

## No Discharges Yet Under Revamped Policy on Gays

By Andrew Tilghman

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So far, no troops have been separated under the “don’t ask, don’t tell” policy since new rules took effect two weeks ago requiring the services’ top officials to personally approve those discharges, Pentagon spokesman Geoff Morrell said Thursday.

The new rules issued Oct. 21 took final decision-making authority for kicking gay enlisted troops out of the military away from one-star generals and placed it solely with the civilian service secretaries. Removal of officers has always required a secretary’s approval.

The policy came about after a federal judge in California on Oct. 12 declared the military’s ban on gays serving openly in uniform unconstitutional and ordered the military to stop enforcing the policy immediately.

The U.S. 9th Circuit Court of Appeals recently issued a stay of that order, allowing the military to resume enforcing the 17-year-old law until the court can make a final ruling in the case, probably next year.

The ban technically was suspended for eight days in October.

Defense Secretary Robert Gates gave the three service secretaries authority over enlisted removals to ensure careful and equal treatment under the current period of legal uncertainty.

Congress could vote to repeal “don’t ask, don’t tell” during its post-election, lame-duck session, which begins Nov. 15, but that appears increasingly unlikely after Tuesday’s election in which Republicans won control of the House of Representatives.

Among the defeated was one of the current law’s most vocal opponents, Rep. Patrick Murphy, D-Pa., an Iraq war veteran who added an amendment to the defense appropriations bill that would have repealed “don’t ask, don’t tell.”

A Pentagon study on the impact of the repeal will be delivered to Gates on Dec. 1, Pentagon officials say.