

U.S. urges delay on 'don't ask, don't tell' ruling

Judge rejected ban on gays in the military

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WASHINGTON — After two days of silence, the Obama administration urged a federal judge to let the military press on with its "don't ask, don't tell" ban on gays serving openly in the military.

Still, President Barack Obama insisted Thursday that the policy that has divided the nation for two decades "will end on my watch."

The Pentagon said the military "will of course obey the law" and halt enforcement while the case

is still in question. But gay-rights advocates cautioned gay service members to avoid revealing their sexuality in the meantime.

A federal judge abruptly threw out the Clinton-era ban Tuesday, setting in motion a legal, political and human-rights back-and-forth that put the administration on the spot just two weeks before key midterm elections.

Obama has consistently argued against the ban, approved by Congress in 1993. But he says it is up to Congress to repeal it.

The policy, summed up as "don't ask, don't tell," refers to guidance that gay or lesbian



President Barack Obama said he can't repeal the ban with the stroke of a pen, but "we're going to end this policy."

Americans can serve in the military — but not openly.

Their superiors are forbidden to ask about sexual orientation, but service members can be kicked out or denied enlistment if they speak about being gay or let it be known that they engage in homosexual acts.

Obama's Justice Department asked U.S. District Judge Virginia Phillips to stay her ruling to over-

turn the ban while the government prepares a formal appeal.

Asking the judge for a response by Monday — "given the urgency and gravity of the issues" — the government said that suddenly ending the ban would be disruptive and "irreparably harm the public interest in a strong and effective military."

Even as the administration was arguing to keep the rule in place for now, the Pentagon's top lawyers were telling troops the military intends to comply with the court order lifting the ban.

Col. Dave Lapan, a Pentagon spokesman, told reporters that the Defense Department "will of course obey the law." He said any changes were effective Tuesday

when the ruling was first issued. The Pentagon would not say what would happen if the judge grants the government's request for a temporary stay. But it is assumed the military would comply with that as well, reinstating the ban.

In its filing with Phillips, the Justice Department argued that repeated and sudden changes in policy regarding "don't ask, don't tell" would be "enormously disruptive and time-consuming, particularly at a time when this nation is involved in combat operations overseas." The Obama administration also filed a one-page court notice that it is appealing the case to the 9th U.S. Circuit Court of Appeals in San Francisco.