

10-25-2010

It's Still A Secret, But Not For Long: A DADT Play-By-Play

Alexandra Manrique

American University Washington College of Law

Follow this and additional works at: http://digitalcommons.wcl.american.edu/stu_blogs_tma

 Part of the [American Politics Commons](#), and the [Law Commons](#)

Recommended Citation

Manrique, Alexandra. "It's Still a Secret, But Not For Long: A DADT Play-By-Play." The Modern America Blog, entry posted October 25, 2010. http://wclmodernamerican.blogspot.com/2010/10/its-still-secret-but-not-for-long-dadt_25.html (accessed November 19, 2010).

This Blog Posting is brought to you for free and open access by the Student Blogs at Digital Commons @ American University Washington College of Law. It has been accepted for inclusion in The Modern American by an authorized administrator of Digital Commons @ American University Washington College of Law. For more information, please contact fbrown@wcl.american.edu.

Monday, October 25, 2010

It's Still A Secret, But Not For Long: A DADT Play-By-Play

By Alexandra Manrique

Want to serve in the Army, Marine Corps, Air Force or Coast Guard? Are you openly gay? Sorry, you *still* can't. "[Don't Ask, Don't Tell](#)," the policy prohibiting gay citizens to serve openly in the military, is still in effect. However, the end is near. Fingers crossed.

September and October have been busy months for the Federal Courts and the Department of Defense regarding Don't Ask, Don't Tell. It's confusing as to where the policy currently stands. It all started when the [Log Cabin Republicans](#), a conservative gay rights organization, challenged the discriminatory policy and the court ruled in its favor. Federal District Court Judge, Virginia A. Phillips, ruled that the policy was [unconstitutional](#) and approximately a month later she issued an [injunction](#) that suspended the enforcement of the policy.

The Department of Defense was caught off-guard and not too pleased.

The Department of Justice appealed the injunction to the Federal District Court but it was denied. Then, about a week passed. Just as the Armed Forces were about to start accepting openly gay applicants, the Court of Appeals for the Ninth Circuit [issued a stay](#). The Appeals Court ruled that "Don't Ask, Don't Tell" was still enforceable. The government was back in control. Oh no!

But in a surprise move, but not really since the Obama administration publicly opposes the policy, Defense Secretary Robert Gates issued a [memorandum](#) limiting the policy. Basically, the memo restricts the DOD's discharge powers of many military officials, thus making it difficult to discharge openly-gay service members.

Confusing, I know. Why this legal battle if the government is limiting the policy? Well, legally, the Department of Justice must defend government policy in court, and reportedly, the government wants to abolish the policy on its own terms, and The Obama administration argues that it needs time to evaluate the effect of eliminating "Don't Ask, Don't Tell" on the military.

But does the government really need time? After all, gay men and women have been, and continue to serve in the military. An anonymous marine [wrote](#) that there is nothing to evaluate. He stated, "if you take a moment to think about it, the only real change is that you'll no longer pretend that you can't see the gay elephant in the room – even though it's been following you around for the past 17 years."

Posted by The Modern American at [3:05 PM](#)