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## LGBT BAR ASSOCIATION RELEASES RECOMMENDATIONS FOR IMPLEMENTING REPEAL OF 'DON'T ASK, DON'T TELL'

WASHINGTON, DC – TODAY, The National LGBT Bar Association released a list of recommendations as the Department of Defense (DoD) begins to implement repeal of the military's "Don't Ask, Don't Tell" ban on lesbian, gay and bisexual service members. The recommendations – authored by a working group of attorneys, veterans and academics convened by the Bar Association – follow last week's certification of repeal by President Obama and Secretary of Defense Leon Panetta. Complete repeal of the military's ban will take place in late September, 60 days from certification.

"The LGBT Bar's working group identified five key areas that DoD officials should focus on as the armed forces prepare to welcome openly lesbian, gay and bisexual troops," said the group's executive director, D'Arcy Kemnitz. "Specifically, our experts suggest Administration officials concentrate on transparency, training and oversight, and begin work on important changes to the Uniform Code of Military Justice, the *Manual for Courts-Martial* and to various regulations impacting service personnel. Each step is critical to ensure that our armed forces treat every service member equally under the law."

The report's recommendations include:

- A **transparent implementation process** to promote confidence in that implementation. The report calls for public participation in drafting regulations; a process that includes public comments; and full, public access to DoD proposals and timelines.
- Comprehensive **training procedures** based on actual rules and regulations, rather than assumptions about post-repeal regulations. To date, no implementing regulations have been published. Today's report calls for those to be made public quickly, and for training to commence immediately.
- **Amendments to the UCMJ and *Manual for Courts-Martial*** which reflect the reality of open service by lesbian, gay and bisexual troops. The report calls for removing all sodomy offenses from the UCMJ and for changing sexual misconduct and inappropriate relationship guidance to be neutral regarding sexual orientation.
- **Changes to military regulations, instructions and guidance**, including removal of "homosexual conduct" as a valid basis for dismissal from service and the addition of a "Sexual Misconduct" category for administrative discharges. The report urges that all regulations related to fraternization and sexual harassment be revised to apply to all troops equally, without regard to sexual orientation. It also recommends that each Service review current regulations to ensure they are sexual orientation-neutral.
- Establishment of **guidelines regarding oversight of the repeal process**, in both the near and far-term. Recommendations include identifying an assistant secretary of each Service to serve as an "oversight authority" for all aspects of repeal implementation, including training and policy revisions. These individuals should also be designated to review all proposed discharges involving sexual misconduct to ensure fair application of revised regulations.

“Our country’s Armed Forces are the best in the world, and we owe it to them to ensure that ‘Don’t Ask, Don’t Tell’ is repealed fully, effectively and fairly,” said Kernnitz. “The recommendations from our working group, if adopted by DoD, will give lesbian, gay and bisexual troops confidence in the process and give commanders, courts and the public the information they need to ensure that the end of the military’s ban is, indeed, the end of anti-gay discrimination within our fighting forces.”

The LGBT Bar’s full report is available online at [www.lgbtbar.org](http://www.lgbtbar.org).

Working Group:

- David Addlestone, Founder and former Co-director, National Veterans Legal Services Program; Capt., USAF, JAG, 1966-68
- Eugene R. Fidell, Senior Research Scholar in Law and Florence Rogatz Visiting Lecturer in Law, Yale Law School, Yale Law School; USCG, JAG, 1969-72
- Kathleen Gilberd, Co-chair, Military Law Task Force, National Lawyers Guild
- Sharra Greer, Former Director of Law and Policy, Servicemembers Legal Defense Network
- Elizabeth Hillman, Professor of Law, UC Hastings College of Law; Capt., USAF, 1989-96
- Stephen Lessard, Managing Associate, Orrick Herrington & Sutcliffe LLP; LCDR, USN, Ret.
- Bridget Wilson, Owner, Rosenstein, Wilson & Dean, PLC; Spc., USAR, 1977-80

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*The National LGBT Bar Association is a national association of lawyers, judges and other legal professionals, law students, activists, and affiliates of lesbian, gay, bisexual, transgender legal organizations. The LGBT Bar promotes justice in and through the legal profession for the LGBT community in all its diversity.*

*The National LGBT Bar Foundation is a nonprofit organization that supports the LGBT Bar, encouraging its charitable, scientific, and legal educational purposes.*