

Don't Ask, Don't Tell Ruling 2010

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- 0 **Court / Rechtbank**
United States District Court Central District Of California.
- 0 **Parties / Partijen**
Log Cabin Republicans, a non-profit corporation, Plaintiff,
versus
United States of America and Robert M. Gates, Secretary of Defense, in his official capacity, Defendants.
- 1 **Complaint / Klacht**
Plaintiff attacks the constitutionality of the statute known as the "Don't Ask, Don't Tell" Act¹.
- 1 **Ruling / Uitspraak, 9 september 2010, Judge / rechter Virginia A. Phillips**
The Court finds Plaintiff Log Cabin Republicans (sometimes referred to in this Order as "Log Cabin," "LCR," or "Plaintiff"), a non-profit corporation, has established standing to bring and maintain this suit on behalf of its members. Additionally, Log Cabin Republicans has demonstrated the Don't Ask, Don't Tell Act, on its face, violates the constitutional rights of its members. Plaintiff is entitled to the relief sought in its First Amended Complaint: a judicial declaration to that effect and a permanent injunction barring further enforcement of the Act.
- 2-13 **Standing Plaintiff, formally / Ontvankelijkheid Plaintiff, formeel**
14-19 **Standing Plaintiff, content / Ontvankelijkheid Plaintiff, inhoudelijk**
- 20-45 **Witness Testimony 6 servicemembers / Getuigenissen 6 benadeelde militairen**
Michael Almy page 20-26
Joseph Rocha page 26-33
Jenny Kopfstein page 33-37
John Nicholson page 37-39
Anthony Loverde page 39-43
Steven Vossler page 43-45
- "Don't Ask, Don't Tell" Act, in more detail, including:**
- 45-49 - Act + Act does not significantly further the government's interests in military readiness or unit cohesion
49-52 - 3 government reports
53-55 - Witness testimonies 4 experts / getuigenissen 4 getuigendeskundigen
56-65 - Reports, Exhibits and Expert and Lay Testimony / rapporten, bewijsstukken, expert- en lekengetuigenissen; statistieken over ontslag en impact e.d.
65-74 - Act is not necessary to advance the government's interests
74-85 - Constitutionality of Act /grondwettelijkheid van de Wet
- 85 **Conclusion**

¹ The Act, described in greater detail below, provides that any member of the U.S. Armed Forces who engages in homosexual conduct is subject to discharge unless the servicemember is able to demonstrate that he or she has no propensity to engage in "homosexual conduct." Under the Act, homosexual conduct includes sexual acts with persons of the same sex, admissions that one is homosexual or bisexual, and attempts to marry a person of the same sex.