

Judge rejects military policy toward gays

By John Schwartz, New York Times

The “don’t ask, don’t tell” policy toward gay members of the military is unconstitutional, a federal judge in California ruled Thursday.

Judge Virginia A. Phillips of Federal District Court struck down the rule in an opinion issued late in the day. The policy was signed into law in 1993 as a compromise that would allow gay and lesbian soldiers to serve in the military.

The rule limits the military’s ability to ask about the sexual orientation of service members, and allows homosexuals to serve as long as they do not disclose their orientation and do not engage in homosexual acts.

The plaintiffs, challenged the law under the Fifth and First Amendments to the Constitution, and Judge Phillips agreed.

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