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138,000 DEMAND OBAMA SUSPEND GAY BAN AS FIRINGS CONTINUE
Pressure on White House Mounts; Scholars Question Administration's Inaction

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SANTA BARBARA, CA, May 21, 2009 – In the face of delays by President Obama on his pledge to overturn the “don’t ask, don’t tell” policy, a growing chorus by scholars, activists, military veterans, and the public is calling on the White House to end the ban immediately. Over the weekend, a petition was signed by over 84,000 people asking Obama to suspend the gay ban immediately and stop the discharge of Lt. Dan Choi, a West Point graduate and Iraq War combat veteran who is openly gay and says his subordinates fully support him. By Monday afternoon the total had risen to 96,033. By Thursday, the total was up to 138,000.

On Friday, the White House was asked for the second time whether it would intervene and place a moratorium on further gay discharges. But Press Secretary Robert Gibbs said that using the president’s power to halt the firings was “not the way to seek any lasting or durable solution” to the problem, and that the “only durable solution” is for Congress to make the change.

But Nathaniel Frank, senior research fellow at the Palm Center, said the White House is misstating the case. “An executive order would stop the bleeding overnight,” said Frank, who is author of “Unfriendly Fire: How the Gay Ban Undermines the Military and Weakens America.” “Reinstating the gay ban after that would be very unlikely. Politically, it would be tough given that three quarters of the public supports equality. Operationally it’s even tougher: once you let gays serve openly, you can’t exactly stuff them back into the closet. What are you going to do, order everyone to forget what they already know?”

The unprecedented demands on the White House to lift the ban follow the news that Choi will be the first Arabic translator to be dismissed under Obama. Choi is a founder of Knights Out, a group of gay and lesbian West Point graduates committed to non-discrimination in the military. Last week, members



of several groups including Knights Out, Servicemembers Legal Defense Network, Vote Vets and an umbrella group, the Service Academy Gay and Lesbian Alumni Network, flooded the White House switchboard demanding the president retain Choi and lift the ban. Following that outpouring, a petition was circulated by Courage Campaign (www.couragecampaign.org), a progressive online organizing network, and Credo Mobile, seeking an immediate moratorium and action in Congress to repeal “don’t ask, don’t tell.”

Palm Center scholars explained the idea of using both a presidential order and Congressional action to lift the ban. Diane H. Mazur, professor of law at University of Florida, said an executive order should be seen as the first of a two-step process. "The President doesn't need to choose between an executive order and legislative action" she said. "They aren't either/or propositions. In fact, they work well together in achieving a durable result: if you end the discharges first, you will see clearly that equal treatment is good, not bad, for military readiness. That makes it easier to repeal the law down the road."

Frank and Mazur are co-authors of a Palm Center study issued last week that explained the president’s statutory authority to lift the ban by executive order, correcting the widely held belief that only Congress could stop the discharges. According to Aaron Belkin, director of Palm and professor of political science at University of California, Santa Barbara, the authority comes from a Congressional statute giving the commander-in-chief “stop-loss” authority during a national emergency, and from the way the “don’t ask, don’t tell” law itself is written. "To get the law fully off the books, Congress will have to act." said Belkin, also a study co-author. "But to suggest that a moratorium based on executive order could not be durable is incorrect." Frank added that “the bigger question is this: Obama has said he wants the firings stopped. We now know he has the power to stop the firings, so what is he waiting for?”

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