
Firm Client Plays Critical Role in Successful Repeal of Don't Ask, Don't Tell

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WilmerHale client Center for American Progress (CAP) played a critical role in the successful legislative effort to repeal the Don't Ask, Don't Tell law, which has been on the books since 1993. With passage of the repeal of Don't Ask, Don't Tell, gays and lesbians will be able to serve openly in the military. For the past 18 months, the firm has assisted CAP by helping to craft the legislative language that ultimately attracted enough votes to pass both houses of Congress, and engaging with the White House, Department of Defense, Department of Justice and key Senate offices.

Initially, the firm provided an in-depth analysis of administrative changes that the Department of Defense might make to ameliorate some of the harsher effects of the law as it had been implemented, many of which were adopted. After Defense Secretary Robert Gates and Admiral Michael Mullen, chairman of the Joint Chiefs of Staff, testified in support of repeal, the legislative effort gained steam. Attracting sufficient votes for immediate repeal, however, was significantly complicated by the demand that the Department of Defense study of repeal be completed first—but the report wasn't due until December 1 and Congress would go out soon thereafter. To deal with the timing issue, the firm drafted “trigger” legislation that would make repeal effective upon completion of the study and certification by the

President, secretary of defense and chairman of the Joint Chiefs of Staff that repeal could be implemented without impairing military readiness and effectiveness. This helped the sponsors meet many of the objections that had been raised.

Now that the President has signed the legislation, the military will implement regulatory and policy revisions, the required certifications will be made, and repeal of the law will be final 60 days later.

Although many groups and individuals contributed to this success, WilmerHale is pleased to have been able to play a part in it. The Center for American Progress is thrilled with the result. Partners Jamie Gorelick, Dan Squire and Randy Moss; Senior Counsel Lou Cohen; Counsel Chris Herrling; Associate Adam Gershenson; former WilmerHale attorneys Gordon Pearson, Therese Lee and Dan Norland; and summer associate Hagan Scotten contributed to this effort.