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ASIAN AMERICAN ORGANIZATIONS LEAD AMICUS BRIEF CHALLENGING DON'T ASK, DON'T TELL

SAN FRANCISCO – Yesterday members of the Asian American Center for Advancing Justice asked the U.S. Ninth Circuit Court of Appeals to uphold a district court's decision that struck down the Don't Ask, Don't Tell ("DADT") policy, which discriminates against openly lesbian, gay and bisexual members of the U.S. military. Leading a broad coalition of civil rights and bar organizations, the Asian American Justice Center ("AAJC"), Asian Pacific American Legal Center ("APALC"), Asian American Institute and Asian Law Caucus filed an *amicus curiae*, or friend-of-the-court, brief in support of the plaintiffs in *Log Cabin Republicans v. United States*.

"The U.S. military has a shameful history of excluding certain minority groups through discriminatory policies that play on negative stereotypes and fears," said Karen K. Narasaki, AAJC's president and executive director. "Yet time and time again, service members of all backgrounds have proven that diversity and integration make our military stronger and that policies such as DADT are counterproductive."

Although President Obama signed the repeal of DADT into law last December, the policy remains effective pending implementation of the repeal process. During this time, lesbian, gay and bisexual service members are still subject to discharge.

"As members of a community that has been subject to unjust discrimination in the past by the U.S. military, we are proud to stand in solidarity with the lesbian, gay and bisexual community, in their effort to end the Don't Ask, Don't Tell policy and to be able to serve openly and equally," said Stewart Kwoh, APALC's executive director.

The amicus brief demonstrates that the government's justifications for discriminating against lesbian, gay and bisexual individuals in military service parallel past justifications used by the military to exclude other minority groups, including Japanese Americans, African Americans and women. The brief argues that the record of distinguished service by these groups belies the military's stated fears that including certain minorities will undermine unit cohesion, morale, national security and military effectiveness--and that this

history demonstrates that concerns about inclusion of lesbian, gay and bisexual service members are unfounded.

The amicus brief was joined by 20 other organizations from the Asian American, African American, women's and other minority communities. The Washington, D.C. office of the law firm Gilbert LLP provided pro bono support.

"We are delighted to work again with AAJC to protect the civil rights of all Americans. This case is particularly important and timely because the Government's repeal of DADT has no set date for when it becomes effective, and absent judicial action the Government could drag its heels in implementing the repeal," said Jonathan M. Cohen, a partner at Gilbert LLP and counsel of record on the brief.

Congress enacted DADT in 1993. Last September, a U.S. district court judge ruled that DADT was unconstitutional and ordered the military to stop enforcing the policy. The government appealed that judgment to the Ninth Circuit, which granted the government's requested stay on the injunction. However, in January the Ninth Circuit denied the government's request that the lawsuit be suspended in light of the legislative repeal of DADT.

The other participating groups on the amicus brief are: Asian American Bar Association of the Greater Bay Area, Asian Pacific American Bar Association of Los Angeles, Asian Pacific American Bar Association of Silicon Valley, Asian Pacific American Women Lawyers Alliance, API Equality-LA, Asian Pacific Partners for Empowerment, Advocacy and Leadership, California Women's Law Center, Charles Houston Bar Association, Japanese American Citizens League, Jordan/Rustin Coalition, Korean American Bar Association of Northern California, Korean American Bar Association of Southern California, Latino Equality Alliance, Co-Chairs of the Minority Bar Coalition, National Asian Pacific American Bar Association, Philippine American Bar Association of Los Angeles, San Francisco La Raza Lawyers Association, Santa Clara County Black Lawyers Association, Vietnamese American Bar Association of Northern California and Women Lawyers of Alameda County.

[The Asian American Center for Advancing Justice](#) and its members -- the Asian Law Caucus, Asian American Justice Center, Asian American Institute, and Asian Pacific American Legal Center -- strive to promote a fair and equitable society for all by working for civil and human rights and empowering Asian Americans and Pacific Islanders and other underserved communities.