

## Former Lesbian West Point Cadet Provides Cautionary Tale for DADT Repeal

By Greg T. Rinckey

By having her readmission application to West Point rejected, a lesbian cadet who resigned from the academy last year is providing a poignant reminder that the military's "Don't Ask, Don't Tell" (DADT) policy remains in effect.

According to an Associated Press report

, West Point has refused to readmit Katherine Miller, who opted to resign from the academy at the start of her junior year rather than continue to hide her sexuality. The academy said it could not take back Miller because the repeal of the policy that prohibits gays, lesbians and bisexuals from openly serving in the military has not yet taken effect. Miller ranked ninth in her class at the time of her resignation. Last December, President Barack Obama signed into law the Don't Ask, Don't Tell Repeal Act of 2010.

Miller's rejection is an example of the slow and complicated process that Tully Rinckey PLLC has described as DADT is phased out. The repeal will not take effect until 60 days after the president, secretary of defense, and chairman of the Joint Chiefs of Staff certify that the DADT regulations can be revoked in a way that would not compromise the military's readiness and effectiveness.

According to the Associated Press, training for the repeal is underway and could be completed this summer. Some people estimate the ban could be lifted as early as late summer or early autumn. However, this is a very optimistic timetable. It could take much longer to fully enact the policy. Additionally, the repeal could be overturned before the law is fully phased out, as some members of Congress are threatening.

Until all the necessary certifications are issued, service members could still face administrative discharge under the policy for openly engaging in homosexual conduct or declaring their homosexuality. Military personnel with questions about the repeal or who have encountered problems due to their sexuality should contact a military law attorney.

Greg T. Rinckey

, a former military and federal attorney, is managing partner of Tully Rinckey PLLC. He concentrates his practice on military law

, federal employment and discrimination litigation  
and national security clearance mitigation

. He can be reached at [grinckey@fedattorney.com](mailto:grinckey@fedattorney.com)

.

