



U.S. Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Avenue, N.W., Rm: 7256
Washington, D.C. 20530-0001

Tel: (202) 514-3180
Fax: (202) 514-8151

July 22, 2011

Ms. Molly Dwyer
Clerk, United States Court of Appeals
for the Ninth Circuit
95 Seventh Street
San Francisco, CA 94103-1526

Re: *Log Cabin Republicans v. United States*, Nos. 10-56634, 10-56813

Dear Ms. Dwyer:

Pursuant to Federal Rule of Appellate Procedure 28(j), the government respectfully submits this letter notifying the Court of pertinent developments in this case.

Today, after filing the government's reply in connection with its emergency reconsideration motion, we learned that the President certified pursuant to § 2(b)(2) of the Don't Ask, Don't Tell Repeal Act of 2010, Pub. L. 111-321, 124 Stat. 3515 (2010), that the congressionally mandated prerequisites to repeal of 10 U.S.C. § 654 have been satisfied. The Secretary of Defense and Chairman of the Joint Chiefs of Staff have made the same certification. The certification document (attached) was transmitted to Congress this afternoon, and, as a result, repeal of § 654 will become effective on September 20, 2011. *See* Repeal Act § 2(b), 124 Stat. at 3516.

Respectfully submitted,

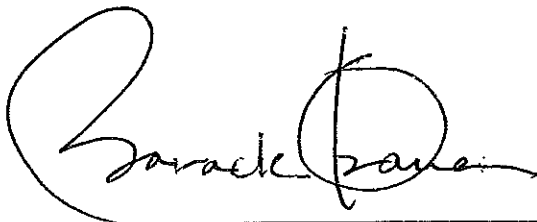
/s/ Henry Whitaker
Henry C. Whitaker
Attorney, Appellate Staff
Civil Division

cc: Dan Woods (by ECF)
White & Case LLP
633 West Fifth Street, Suite 1900
Los Angeles, CA 90071-2007

CERTIFICATION

Pursuant to section 2(b)(2) of the Don't Ask, Don't Tell Repeal Act of 2010, Public Law 111-321 (10 U.S.C. 654 note) (the "Act"), we hereby certify the following:

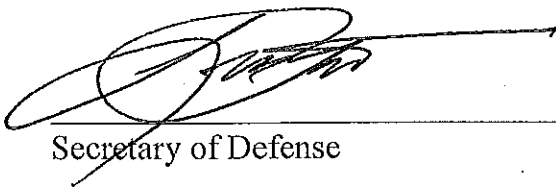
- (1) That we have considered the recommendations contained in the report required by the memorandum of the Secretary of Defense referred to in section 2(a) of the Act, namely, the Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell," and the Report's proposed plan of action.
- (2) That the Department of Defense has prepared the necessary policies and regulations to exercise the discretion provided by the amendments made by section 2(f) of the Act.
- (3) That the implementation of the necessary policies and regulations pursuant to the discretion provided by the amendments made by section 2(f) of the Act is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.



President of the United States

22 July 2011

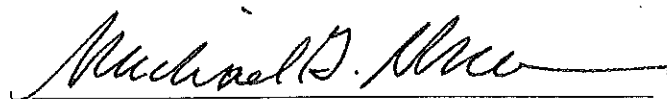
Date



Secretary of Defense

July 21, 2011

Date



Chairman of the Joint Chiefs of Staff

21 July 2011

Date

THE WHITE HOUSE

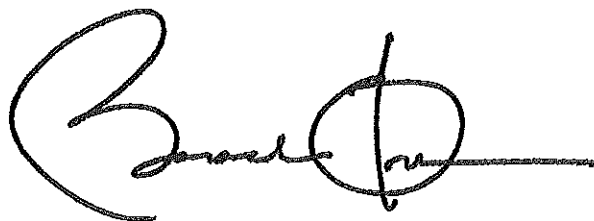
WASHINGTON

July 22, 2011

Dear Mr. Chairman:

Pursuant to section 2(b)(2) of the Don't Ask, Don't Tell Repeal Act of 2010 (the "Act") Public Law 111-321, 10 U.S.C. 654 note, I hereby transmit the attached certification required by the Act.

Sincerely,

A handwritten signature in black ink, appearing to be "Barack Obama", with a large circular flourish on the left and a horizontal line extending to the right.

The Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

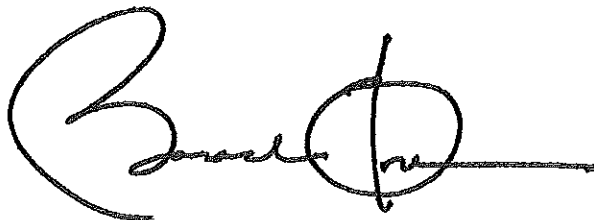
WASHINGTON

July 22, 2011

Dear Senator McCain:

Pursuant to section 2(b)(2) of the Don't Ask, Don't Tell Repeal Act of 2010 (the "Act") Public Law 111-321, 10 U.S.C. 654 note, I hereby transmit the attached certification required by the Act.

Sincerely,

A handwritten signature in black ink, appearing to be "Barack Obama", with a large circular flourish on the left and a horizontal line extending to the right.

The Honorable John McCain
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

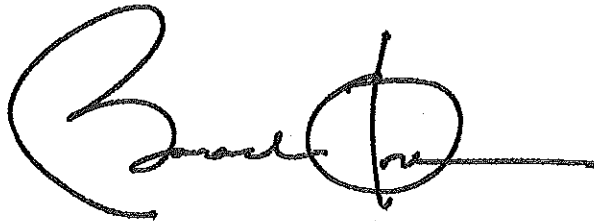
WASHINGTON

July 22, 2011

Dear Mr. Chairman:

Pursuant to section 2(b)(2) of the Don't Ask, Don't Tell Repeal Act of 2010 (the "Act") Public Law 111-321, 10 U.S.C. 654 note, I hereby transmit the attached certification required by the Act.

Sincerely,

A handwritten signature in black ink, appearing to be "Barack Obama", with a large circular flourish on the left and a horizontal line extending to the right.

The Honorable Howard P. McKeon
Chairman
Committee on Armed Services
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

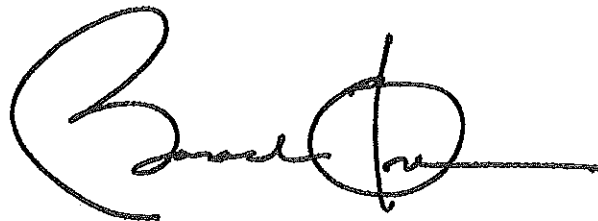
WASHINGTON

July 22, 2011

Dear Representative Smith:

Pursuant to section 2(b)(2) of the Don't Ask, Don't Tell Repeal Act of 2010 (the "Act") Public Law 111-321, 10 U.S.C. 654 note, I hereby transmit the attached certification required by the Act.

Sincerely,

A handwritten signature in black ink, appearing to be "Barack Obama", with a large circular flourish on the left and a horizontal line extending to the right.

The Honorable Adam Smith
House of Representatives
Washington, D.C. 20515