

PETER PHIPPS' RECORD ON LGBTQ RIGHTS

Highlights:

- Peter Phipps had shown an insensitivity to LGBTQ equality and LGBTQ individuals.
 - Phipps refused to commit to using a transgender plaintiff, defendant, or witness' preferred pronouns.
 - Phipps defended the “Don't Ask, Don't Tell” law in Witt v. U.S. Air Force and listed it as one of his most significant cases.

Phipps Opposed LGBTQ Equality

PHIPPS REFUSED TO COMMIT TO USING A TRANSGENDER PLAINTIFF, DEFENDANT, OR WITNESS' PREFERRED PRONOUNS

Phipps Did Not Commit To Using A Transgender Plaintiff, Defendant, Or Witness' Preferred Pronouns. According to the Senate Judiciary Committee, “13. Would you honor the request of a plaintiff, defendant, or witness in your courtroom who is transgender to be referred to in accordance with that person's gender identity? PHIPPS: Appellate courts generally review the record from district courts and the briefs of the parties without the occasion to address parties or witnesses directly by name in open court. If there is a need to use a pronoun to refer to a plaintiff, defendant, or witness in a written opinion, I would review the record and the parties' briefing to assess the appropriate pronoun.” [Senate Judiciary Committee, [6/12/19](#)]

PHIPPS DEFENDED THE “DON'T ASK, DON'T TELL” LAW IN WITT V. U.S. AIR FORCE AND LISTED IT AS ONE OF HIS MOST SIGNIFICANT CASES

Phipps Defended The “Don't Ask, Don't Tell” Law In Witt v. U.S. Air Force

Margaret Witt Sued The Air Force After Being Outed As A Lesbian And Discharged Under “Don't Ask, Don't Tell.” According to the New York Times, “For 17 years, Maj. Margaret Witt rose steadily through the Air Force and Air Force Reserves, winning plaudits from colleagues, strong performance reviews from superiors and service medals from the department. A flight nurse, she treated wounded troops during Desert Storm and was featured in Air Force promotional materials for years. Major Witt is also a lesbian. To hide her sexual orientation, she skipped military functions where dates were invited. She dodged questions about her personal life. And she avoided inviting colleagues home, lest some possession— a book, a photograph — might tip them off. ‘You can't be honest,’ Major Witt, 46, said in a recent interview. ‘I didn't want to answer questions, even to say what my weekend plans were.’ Her efforts to maintain a low profile ended in 2004, when the jilted husband of a woman Major Witt had started to date sent a note to the Air Force disclosing her orientation. After an investigation and hearing, the Air Force discharged her in 2007 under the policy known as ‘don't ask, don't tell.’ But her case is far from over. Major Witt sued, and, in what will be one of the most closely watched challenges to the law to date, she is scheduled to appear in federal court in Tacoma, Wash., on Monday to argue that the Air Force violated her rights and must reinstate her.” [New York Times, [9/12/10](#)]

Phipps Defended The Air Force's Discharge Of Witt Under “Don't Ask, Don't Tell” And Stated That Witt's Same-Sex Relationships Had “Compromised Her Integrity And Her Ability To Lead.” According to the Seattle Times, “Representing the Air Force, Justice Department attorney Peter Phipps said in opening arguments Monday that Witt had ‘compromised her integrity and her ability to lead’ when she conducted a relationship with a married woman and also had relations with two female Air Force officers. Phipps asserted that the Air Force actions against Witt were justified, and reinstating her would put the ‘don't ask, don't tell’ policy, which is supposed to be applied uniformly across the military, in serious risk.” [Seattle Times, [9/13/10](#)]

Phipps Defended “Don't Ask, Don't Tell” By Emphasizing The Potential Loss Of Unit Cohesion And Morale Due To The Presence Of LGBTQ Service Members. According to the News Tribune, “Department of Justice attorney Peter Phipps, one of the attorneys representing the Air Force, said in his opening statement that the military policy on gay men and lesbians remains valid and constitutional. The Air Force applied the policy correctly in Witt's case, he said, and the congressional findings that led to the policy are still sound. The intent of the policy was to avoid the risk of loss of unit cohesion and morale, he said, which is a legitimate government interest. The fact that Witt apparently had support from coworkers within the 446th is irrelevant, he said. ‘This has to be applied the same way everywhere,’ he said. ‘There can't be

special exceptions made without creating problems.’ Military units are often called on to work closely with other units, Phipps said. They are routinely transferred from place to place and must participate in joint training exercises, he said. The effect of gay men and lesbians on unit cohesion cannot just be applied to one squadron, Phipps said. The effect of their presence has to be considered service-wide.” [News Tribune via Nexis News, 9/13/10]

Phipps Listed His Defense Of The “Don’t Ask, Don’t Tell” Law In Witt v. U.S. Air Force As One Of His Most Significant Cases

Phipps Listed His Defense Of The “Don’t Ask, Don’t Tell” Law In Witt v. U.S. Air Force As One Of His Most Significant Cases. According to Phipps in the Senate Judiciary Committee, “17. Litigation: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. [...] 4. Witt v. United States Air Force, No. 06-5195 (W.D. Wash.) (Leighton, J.). In this case, a flight nurse was honorably discharged from the Air Force Reserves for ‘homosexual conduct.’ She challenged the constitutionality of the military’s former ‘Don’t Ask, Don’t Tell’ statute and implementing regulations. As counsel of record for the Air Force, I defeated a preliminary injunction motion and successfully moved to dismiss the case.” [Senate Judiciary Committee, Questions For Judicial Nominees - Peter Phipps, accessed [6/20/24](#)]