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## INJUNCTION REGARDING DON'T ASK DON'T TELL: INTERIM POLICY

Date Signed: 7/12/2011  
MARADMIN Active Number: 387/11 2011

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UNCLASSIFIED//

MARADMIN 387/11

MSGID/GENADMIN/CMC WASHINGTON DC MRA MP//

SUBJ/INJUNCTION REGARDING DON'T ASK DON'T TELL: INTERIM POLICY//

REF/A/MEMO/USD PR WASHINGTON DC/08JUL2011//

REF/B/10USC654/30NOV93//

REF/C/MSGID:MSG/CMC WASHINGTON DC/220745ZAUG2002//

REF/D/MSGID:DOC/SECDEF WASHINGTON DC/28AUG2008//

REF/E/MSGID:DOC/SECDEF WASHINGTON DC/11DEC2008//

REF/F/MSGID:DOC/SECDEF WASHINGTON DC/25MAR2010//

REF/G/MSGID:MSG/CMC WASHINGTON DC/302007ZMAR2010//

REF/H/MSGID:MSG/CMC WASHINGTON DC/231029ZAPR2010//

NARR/REF A IS USD MEMO, INJUNCTION REGARDING DON'T ASK DON'T TELL. REF B IS THE FEDERAL STATUTE GOVERNING DOD POLICY ON HOMOSEXUALITY IN THE ARMED FORCES. REF C IS MARADMIN 451-02, HOMOSEXUAL CONDUCT POLICY TASKS AND RESPONSIBILITIES. REF D IS DOD INSTRUCTION 1332.14 W/CH 1, ENLISTED ADMINISTRATIVE SEPARATIONS. REF E IS DOD INSTRUCTION 1332.30 W/CH 1, SEPARATION OF REGULAR AND RESERVE COMMISSIONED OFFICERS. REF F IS SECDEF MEMO, REVISIONS TO REGULATIONS IMPLEMENTING 10 U.S.C. 654. REF G IS MARADMIN 184-10, DEPARTMENT OF DEFENSE (DOD) AMENDMENTS TO POLICY ON SEPARATION FOR HOMOSEXUAL CONDUCT. REF H IS MARADMIN 242/10, DOD REVISIONS TO POLICY ON SEPARATION FOR HOMOSEXUAL CONDUCT.//

POC/--/UNIT:MPO/--/TEL:(703) 784-9387;DSN 278-9387//

GENTEXT/RMKS/1. PURPOSE. THIS MARADMIN NOTIFIES ALL MARINE CORPS PERSONNEL OF THE INTERIM POLICY REGARDING THE LAW KNOWN AS DON'T ASK DON'T TELL (10 U.S.C. 654) AND ITS IMPLEMENTING REGULATIONS. UNTIL FURTHER NOTICE, COMMANDERS WILL NOT ENFORCE DON'T ASK DON'T TELL AND ITS IMPLEMENTING REGULATIONS (REFS B-H). ACCORDINGLY, MARADMIN 607/10 IS HEREBY CANCELLED.

2. BACKGROUND. ON 12 OCTOBER 2010, A FEDERAL DISTRICT COURT IN CALIFORNIA ISSUED AN INJUNCTION ORDERING THE DEPARTMENT OF DEFENSE TO CEASE ENFORCEMENT OF DON'T ASK DON'T TELL AND ITS IMPLEMENTING REGULATIONS. THE COURT ALSO ORDERED THE GOVERNMENT TO IMMEDIATELY SUSPEND AND DISCONTINUE ANY INVESTIGATION, OR DISCHARGE, SEPARATION, OR OTHER PROCEEDING THAT MAY HAVE BEEN COMMENCED UNDER DON'T ASK DON'T TELL AND ITS IMPLEMENTING REGULATIONS. THE DEPARTMENT OF JUSTICE FILED AN APPEAL FROM THIS INJUNCTION AND THE COURT'S EARLIER DECISION THAT SUPPORTED IT, AND GAINED A STAY OF THE INJUNCTION WHILE THE APPEAL IS PENDING. ON 6 JULY 2011, THE 9TH CIRCUIT COURT OF APPEALS LIFTED THE STAY, REINSTATED THE 12 OCTOBER 2010 INJUNCTION, AND ORDERED THE DEPARTMENT OF DEFENSE TO CEASE ENFORCEMENT OF DON'T ASK DON'T TELL AND ITS IMPLEMENTING REGULATIONS.

3. AS OF 8 JULY 2011, THE IMMEDIATE GUIDANCE IS:

A. UNTIL FURTHER NOTICE, COMMANDERS WILL NOT ENFORCE DON'T ASK DON'T TELL AND ITS IMPLEMENTING REGULATIONS.

B. IT REMAINS THE POLICY OF THE DEPARTMENT OF DEFENSE NOT TO ASK SERVICEMEMBERS OR APPLICANTS ABOUT THEIR SEXUAL ORIENTATION, TO TREAT ALL MEMBERS WITH DIGNITY AND RESPECT, AND TO ENSURE MAINTENANCE OF GOOD ORDER AND DISCIPLINE.

C. THE MARINE CORPS WILL PROCESS APPLICATIONS FOR ENLISTMENT OR APPOINTMENT WITHOUT REGARD TO SEXUAL ORIENTATION.

D. MARINES AND SAILORS MUST BE AWARE THAT THE APPEAL FROM THE INJUNCTION REMAINS PENDING.

4. COMMANDERS ARE STRONGLY ENCOURAGED TO CONSULT THEIR SJA OR COMMAND COUNSEL IN EVERY CASE WHERE HOMOSEXUAL CONDUCT LAW AND POLICY IS IMPLICATED.

5. THIS MARADMIN IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT UNTIL FURTHER GUIDANCE IS PROMULGATED AS DEVELOPMENTS WARRANT.

6. THIS APPLIES TO THE TOTAL MARINE CORPS FORCE.

7. RELEASE AUTHORITY BY LTGEN R.E. MILSTEAD JR., DEPUTY COMMANDANT, MANPOWER AND RESERVE AFFAIRS//