

Department Abides by 'Don't Ask, Don't Tell' Injunction

By Jim Garamone
American Forces Press Service

WASHINGTON, Oct. 14, 2010 – Pending an appeal, the military services have halted discharges under the “Don't Ask, Don't Tell” law, DOD officials said today.

Judge Virginia Phillips of the U.S. Central District of California ordered the halt to discharges and investigations. Phillips found the Don't Ask, Don't Tell statute unconstitutional in a Sept. 9 ruling. On Oct. 12, she issued an injunction ordering the Defense Department worldwide to halt discharges and investigations.

“Earlier today, the staff judge advocate generals from the military services, in consultation with the Office of the Secretary of Defense Office of General Counsel, sent to their service staff judge advocate counterparts in the field an e-mail informing them of the ruling by Judge Virginia Phillips of the Central District of California, issuing an injunction barring the enforcement or application of 10 United States Code 654, commonly known as the ‘Don't Ask, Don't Tell’ statute,” Pentagon spokesman Marine Col. Dave Lapan said in a written statement.

“The e-mail noted that the U.S. government is contemplating whether to appeal and to seek a stay of the injunction,” Lapan said.

“The Department of Defense will of course obey the law, and the e-mail noted that, in the meantime, the department will abide by the terms in the court's ruling, effective as of the time and date of the ruling,” he said.