

AMENDED IN ASSEMBLY JANUARY 4, 2010

**Senate Joint Resolution**

**No. 9**

**Introduced by Senator Kehoe  
(Principal coauthor: Senator Leno)**

(Principal coauthors: Assembly Members Ammiano, Ma, and John A. Perez)

May 28, 2009

Senate Joint Resolution No. 9—Relative to the “Don’t Ask, Don’t Tell” military policy.

LEGISLATIVE COUNSEL’S DIGEST

SJR 9, as amended, Kehoe. Military: “Don’t Ask, Don’t Tell” policy.

This measure would urge the Congress and the President of the United States to adopt the Military Readiness Enhancement Act of 2009 (H.R. 1283)—~~that~~, *which* institutes a policy of nondiscrimination based on sexual orientation, and to repeal the “Don’t Ask, Don’t Tell” policy.

Fiscal committee: no.

1     WHEREAS, Since the~~1994~~ 1993 codification into law by the  
2     United States Congress, and by the signature of the President, the  
3     policy now known as “Don’t Ask, Don’t Tell, Don’t Pursue, Don’t  
4     Harass” (National Defense Authorization Act ~~of~~ *for Fiscal Year*  
5     1994 (Public Law 103-160)), has led to the discharge of a great  
6     number of lesbian and gay service members, thus ending their  
7     careers and burdening them with a lifelong stigma; and  
8     WHEREAS, The capacity of the Armed Forces of the United  
9     States to carry out its missions is hindered when competent and  
10    qualified individuals are involuntarily discharged from those forces;  
11    and

1 WHEREAS, The Armed Forces of the United States have been  
2 forced to retain Reserve and National Guard service members on  
3 active duty past standard deployment lengths in order to carry out  
4 its recent missions; and

5 WHEREAS, The ability of the Armed Forces to recruit and  
6 retain the best and brightest Americans is hindered by excluding  
7 a section of the population solely because of sexual orientation;  
8 and

9 WHEREAS, Transgender and transsexual service members are  
10 not specifically banned by “Don’t Ask, Don’t Tell,” which  
11 addresses only issues of sexual orientation, but are nonetheless  
12 harmed by “Don’t Ask, Don’t Tell,” because they are often  
13 harassed or accused of being gay or lesbian on the basis of  
14 nongender-conforming behavior; and

15 WHEREAS, Lesbian and gay service members have served  
16 honorably throughout United States history and continue to serve  
17 with distinction on active duty; and

18 WHEREAS, These men and women have achieved military  
19 honors, decorations, and promotions to the highest ranks of their  
20 respective services for their valor and service to the people of the  
21 United States; and

22 WHEREAS, At least 24 other nations, including Great Britain,  
23 Australia, Canada, and Israel, allow open service by gays and  
24 lesbians; and

25 WHEREAS, The Department of Homeland Security, the Federal  
26 Bureau of Investigation, the Defense Intelligence Agency, the  
27 National Security Agency, the Central Intelligence Agency, the  
28 Secret Service, and other federal departments handling national  
29 security allow their lesbian, gay, bisexual, and transgender  
30 personnel to serve openly; and

31 WHEREAS, There are at least 65,000 gay and lesbian service  
32 members on active duty today and another 1,000,000 gay and  
33 lesbian veterans who have served our nation proudly; and

34 WHEREAS, More than 13,000 service members have been  
35 discharged under the “Don’t Ask, Don’t Tell” policy, including  
36 hundreds of service members in “critical occupations,” such as  
37 counterintelligence experts and medical specialists; and

38 WHEREAS, According to a Government Accountability Office  
39 report, 323 language specialists have been discharged from the  
40 military under the “Don’t Ask, Don’t Tell” policy, including 55

1 Arabic and 9 Farsi translators, vitally important positions to  
2 intelligence gathering and in critical shortage; and

3 WHEREAS, American taxpayers have paid between \$250  
4 million and \$1.2 billion to investigate, eliminate, and replace  
5 qualified and patriotic service members who want to serve their  
6 country but are dismissed because their sexual orientation violates  
7 the “Don’t Ask, Don’t Tell” policy; and

8 WHEREAS, Evidence from a study conducted by the Center  
9 for the Study Of Sexual Minorities in the Military suggests that  
10 the “Don’t Ask, Don’t Tell” policy increases the stress levels of  
11 gay troops, lowers their morale, impairs their ability to form  
12 trusting bonds with their peers, restricts their access to medical  
13 care, psychological services, and religious consultations, and limits  
14 their ability to advance professionally and their willingness to join  
15 and remain in the services; and

16 WHEREAS, Every Department of Defense authorized study  
17 has shown that there is no correlation between sexual orientation  
18 and unit cohesion in the Armed Forces; and

19 WHEREAS, Public opinion polls have found that the majority  
20 of American citizens support keeping trained and skilled openly  
21 gay and lesbian service members in the military and repealing  
22 “Don’t Ask, Don’t Tell”; and

23 WHEREAS, A 2006 study of the Michael D. Palm Center found  
24 that nearly three in four troops say they are personally comfortable  
25 in the presence of gays and lesbians; and

26 WHEREAS, More than 100 retired generals and admirals have  
27 called for the repeal of “Don’t Ask, Don’t Tell”; and

28 WHEREAS, The readiness of the United States military to  
29 protect and defend our nation is severely compromised because  
30 of the discriminatory “Don’t Ask, Don’t Tell” policy that is  
31 arbitrarily enforced by commanders whose personal beliefs may  
32 influence their disciplinary action; and

33 WHEREAS, Discharges under the “Don’t Ask, Don’t Tell”  
34 policy are historically fewer when troop strength is low, as in times  
35 of war, which denotes the tacit recognition by the military that  
36 lesbian and gay service members are fit and capable of military  
37 service, thereby further illustrating the arbitrary enforcement of  
38 this policy; and

39 WHEREAS, California has 27 military bases that are home to  
40 tens of thousands of military personnel and their families, and,

1 according to a 2004 Urban Institute study, an estimated 137,000  
2 gay and lesbian veterans live in California; and

3 WHEREAS, The Legislature and courts of the State of California  
4 have extended protections based on sexual orientation and gender  
5 identity that affirm the equality under the law of lesbian, gay,  
6 bisexual, and transgender residents in order to prevent invidious  
7 discrimination; and

8 WHEREAS, In 2004 the California Legislature passed, and the  
9 Governor signed, legislation that protects nonfederally recognized  
10 personnel in the California State Militia from the threat of “Don’t  
11 Ask, Don’t Tell”; and

12 WHEREAS, In 2005 and 2007 the California Senate resolved,  
13 and the Assembly thereof concurred, that the California Legislature  
14 respectfully urged the President and the United States Congress  
15 to adopt the Military Readiness Enhancement Act of 2005 (*H.R.*  
16 *1059*) and the Military Readiness Enhancement Act of 2007 (*H.R.*  
17 *1246*), respectively, to end the discriminatory policy of “Don’t  
18 Ask, Don’t Tell”; and

19 WHEREAS, Military readiness is enhanced when every  
20 qualified, capable American, regardless of sexual orientation, is  
21 welcomed into our Armed Forces and has their talents utilized in  
22 the best interest of our national security; now, therefore, be it

23 *Resolved by the Senate and the Assembly of the State of*  
24 *California, jointly*, That the Legislature of the State of California  
25 respectfully urges the President and the Congress of the United  
26 States to adopt the Military Readiness Enhancement Act of 2009  
27 (*H.R. 1283*), reintroduced in the 111th Congress of the United  
28 States on March 3, 2009, by a bipartisan group of 137 cosponsors,  
29 to end the discriminatory federal policy of “Don’t Ask, Don’t  
30 Tell”; and be it further

31 *Resolved*, That the Secretary of the Senate transmit copies of  
32 this resolution to the President of the United States, to each Senator  
33 and Representative in the Congress of the United States, and to  
34 the presiding officer of each house of each state legislature of the  
35 several states.