

AMENDED IN ASSEMBLY APRIL 29, 2010

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)

(Coauthors: Assembly Members Brownley, Evans, Feuer, Jones, Lieu,
Monning, and Salas)

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), 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 1993 codification into law by the United
2 States Congress, and by the signature of the President, the policy
3 now known as “Don’t Ask, Don’t Tell, Don’t Pursue, Don’t
4 Harass” (National Defense Authorization Act for Fiscal Year 1994
5 (Public Law 103-160)), has led to the discharge of a great number
6 of lesbian and gay service members, thus ending their careers and
7 burdening them with a lifelong stigma; and

1 WHEREAS, The capacity of the Armed Forces of the United
2 States to carry out its missions is hindered when competent and
3 qualified individuals are involuntarily discharged from those forces;
4 and

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

9 WHEREAS, The ability of the Armed Forces to recruit and
10 retain the best and brightest Americans is hindered by excluding
11 a section of the population solely because of sexual orientation;
12 and

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

19 WHEREAS, Lesbian and gay service members have served
20 honorably throughout United States history and continue to serve
21 with distinction on active duty; and

22 WHEREAS, These men and women have achieved military
23 honors, decorations, and promotions to the highest ranks of their
24 respective services for their valor and service to the people of the
25 United States; and

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

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

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

38 WHEREAS, More than 13,000 service members have been
39 discharged under the “Don’t Ask, Don’t Tell” policy, including

1 hundreds of service members in “critical occupations,” such as
2 counterintelligence experts and medical specialists; and

3 WHEREAS, According to a Government Accountability Office
4 report, 323 language specialists have been discharged from the
5 military under the “Don’t Ask, Don’t Tell” policy, including 55
6 Arabic and 9 Farsi translators, vitally important positions to
7 intelligence gathering and in critical shortage; and

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

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

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

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

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

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

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

38 WHEREAS, Discharges under the “Don’t Ask, Don’t Tell”
39 policy are historically fewer when troop strength is low, as in times
40 of war, which denotes the tacit recognition by the military that

1 lesbian and gay service members are fit and capable of military
2 service, thereby further illustrating the arbitrary enforcement of
3 this policy; and

4 WHEREAS, California has 27 military bases that are home to
5 tens of thousands of military personnel and their families, and,
6 according to a 2004 Urban Institute study, an estimated 137,000
7 gay and lesbian veterans live in California; and

8 WHEREAS, The Legislature and courts of the State of California
9 have extended protections based on sexual orientation and gender
10 identity that affirm the equality under the law of lesbian, gay,
11 bisexual, and transgender residents in order to prevent invidious
12 discrimination; and

13 WHEREAS, In 2004 the California Legislature passed, and the
14 Governor signed, legislation that protects nonfederally recognized
15 personnel in the California State Militia from the threat of “Don’t
16 Ask, Don’t Tell”; and

17 WHEREAS, In 2005 and 2007 the California Senate resolved,
18 and the Assembly thereof concurred, that the California Legislature
19 respectfully urged the President and the United States Congress
20 to adopt the Military Readiness Enhancement Act of 2005 (H.R.
21 1059) and the Military Readiness Enhancement Act of 2007 (H.R.
22 1246), respectively, to end the discriminatory policy of “Don’t
23 Ask, Don’t Tell”; and

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

28 *Resolved by the Senate and the Assembly of the State of*
29 *California, jointly, That the Legislature of the State of California*
30 *respectfully urges the President and the Congress of the United*
31 *States to adopt the Military Readiness Enhancement Act of 2009*
32 *(H.R. 1283), reintroduced in the 111th Congress of the United*
33 *States on March 3, 2009, by a bipartisan group of—137 186*
34 *cosponsors, and the Military Readiness Enhancement Act of 2010*
35 *(S. 3065), introduced in the United States Senate on March 3,*
36 *2010, by Senator Joseph Lieberman and 13 cosponsors, to end the*
37 *discriminatory federal policy of “Don’t Ask, Don’t Tell”; and be*
38 *it further*

39 *Resolved, That the Secretary of the Senate transmit copies of*
40 *this resolution to the President of the United States, to each Senator*

1 and Representative in the Congress of the United States, and to
2 the presiding officer of each house of each state legislature of the
3 several states.

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