

Senate Joint Resolution No. 9

RESOLUTION CHAPTER 29

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

[Filed with Secretary of State June 2, 2010.]

LEGISLATIVE COUNSEL’S DIGEST

SJR 9, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

members are fit and capable of military service, thereby further illustrating the arbitrary enforcement of this policy; and

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

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

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

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

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

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

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