

AMENDED IN ASSEMBLY MAY 30, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Joint Resolution

No. 19

Introduced by Assembly Member Pan

April 30, 2013

Assembly Joint Resolution No. 19—Relative to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AJR 19, as amended, Pan. Veterans' benefits: reinstatement.

This measure would urge Congress and the President to reinstate benefits, *including applicable spousal benefits*, to those veterans discharged from the Armed Forces of the United States solely on the basis of their sexual orientation.

Fiscal committee: no.

1 WHEREAS, In 1993, Congress adopted a policy known as Don't
2 Ask, Don't Tell (DADT), prohibiting service personnel from
3 inquiring, or volunteering information, about their sexual
4 orientation. Prior to 1993, federal law and military regulations
5 prohibited homosexuality in the Armed Forces of the United States;
6 and
7 WHEREAS, From 1980 until the repeal of DADT in 2011, over
8 32,000 service personnel were separated from the Armed Forces
9 of the United States under DADT and its predecessor policies; and
10 WHEREAS, More than 13,000 service personnel were separated
11 from the Armed Forces of the United States after the adoption of
12 DADT. Approximately one-quarter of these discharges occurred
13 during the service member's first four months of service; and

1 WHEREAS, California law prohibits discrimination on the basis
2 of race, national origin, ethnic group identification, religion, age,
3 sex, sexual orientation, color, genetic information, or disability;
4 and

5 WHEREAS, Generally, veterans separated from the military
6 with a discharge that is characterized as “dishonorable” or “other
7 than honorable” are ineligible to receive federal or state veterans’
8 benefits, *including applicable spousal benefits*; and

9 WHEREAS, Section 711.1 of the Military and Veterans Code
10 assists veterans by requiring the Department of Veterans Affairs
11 to provide Internet resources, Internet links, and printed materials
12 regarding, or created by, veterans’ legal services organizations
13 that specialize in military discharge upgrades, or links to Internet
14 resources that provide information and printed resources provided
15 by veterans’ legal services organizations. It also provides that if
16 the federal government acts to reinstate benefits to discharged
17 veterans who were denied those benefits solely on the basis of
18 sexual orientation pursuant to any federal policy prohibiting
19 homosexual personnel from serving in the Armed Forces of the
20 United States, the state shall reinstate to those veterans any
21 state-offered benefits; and

22 WHEREAS, We must work to ensure that California veterans
23 who were discharged solely on the basis of their sexual orientation
24 can access benefits regardless of the classification of their
25 discharge; now, therefore, be it

26 *Resolved by the Assembly and the Senate of the State of*
27 *California, jointly*, That the Legislature urges Congress and the
28 President to reinstate benefits, *including applicable spousal*
29 *benefits*, to those veterans discharged from the Armed Forces of
30 the United States solely on the basis of their sexual orientation;
31 and be it further

32 *Resolved*, That the Chief Clerk of the Assembly transmit copies
33 of this resolution to the President and Vice President of the United
34 States, to the Speaker of the House of Representatives, to the
35 Majority Leader of the Senate, and to each Senator and
36 Representative from California in the Congress of the United
37 States.

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