

Introduced by Senator Kehoe

March 9, 2011

Senate Joint Resolution No. 2—Relative to military policy.

LEGISLATIVE COUNSEL'S DIGEST

SJR 2, as introduced, Kehoe. Military policy: “Don’t Ask, Don’t Tell, Don’t Pursue, Don’t Harass.”

This measure would urge the President, Congress, and Secretary of Defense of the United States to end the policy of levying fines on lesbian, gay, and bisexual service members discharged under the military’s “Don’t Ask, Don’t Tell, Don’t Pursue, Don’t Harass” 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, gay, and bisexual service members, thereby ending
7 their careers and burdening them with a lifelong stigma; and
8 WHEREAS, On September 9, 2010, Judge Virginia A. Phillips
9 of Federal District Court for the Central District of California ruled
10 that the ban on openly lesbian, gay, and bisexual service members
11 was an unconstitutional violation of the First Amendment and Fifth
12 Amendment to the United States Constitution, and on October 12,
13 2010, granted an immediate, worldwide injunction prohibiting the
14 Department of Defense from enforcing the “Don’t Ask, Don’t Tell,
15 Don’t Pursue, Don’t Harass” policy, and ordered the military to
16 suspend and discontinue any investigation, discharge, separation,

1 or other proceeding that had commenced under the policy (Log
2 *Cabin Republicans v. U.S.* (2010) 716 F.Supp.2d 884); and

3 WHEREAS, On December 22, 2010, President Barack Obama
4 signed into law the Don't Ask, Don't Tell Repeal Act of 2010
5 (Public Law 111-321), a landmark law repealing the discriminatory
6 ban on lesbian, gay, and bisexual men and women serving openly
7 in the military and ending the 17-year policy that forced lesbians,
8 gays, and bisexuals to conceal their sexual orientation or face
9 discharge from the military; and

10 WHEREAS, Before the repeal may take effect, pentagon
11 officials are required to complete implementation plans and the
12 President, Secretary of Defense, and Chairman of the Joint Chiefs
13 of Staff are required to certify to lawmakers that the repeal won't
14 damage combat readiness; and

15 WHEREAS, Lesbian, gay, and bisexual service members have
16 served honorably throughout the history of the United States and
17 continue to serve 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, A number of lesbian, gay, and bisexual veterans
23 discharged under the discriminatory "Don't Ask, Don't Tell, Don't
24 Pursue, Don't Harass" policy are now being forced to repay costs,
25 in some cases amounting to tens of thousands of dollars, related
26 to their education and training because they were unable to fulfill
27 their commitment to serve their country despite it being the
28 government that initiated their discharge based on this
29 discriminatory policy; now, therefore, be it

30 *Resolved by the Senate and the Assembly of the State of*
31 *California, jointly*, That the Legislature of the State of California
32 respectfully urges the President, Congress, and Secretary of
33 Defense of the United States to put an end to levying these fines
34 upon lesbian, gay, and bisexual service members who were
35 discharged under the "Don't Ask, Don't Tell, Don't Pursue, Don't
36 Harass" policy; and be it further

37 *Resolved*, That the Secretary of the Senate transmit copies of
38 this resolution to the President and Vice President of the United
39 States, to the Speaker of the House of Representatives, to the
40 Majority Leader of the Senate, to the Secretary of Defense of the

- 1 United States, to each Senator and Representative from California
- 2 in the Congress of the United States, and to the author for
- 3 appropriate distribution.

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