

Assembly Joint Resolution

No. 44

Introduced by Assembly Member Bloom

April 10, 2014

Assembly Joint Resolution No. 44—Relative to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AJR 44, as introduced, Bloom. Veterans' benefits.

This measure would urge the Department of Defense, Congress, and the President to create a more efficient process of upgrading the status of those who were “dishonorably” or other than honorably discharged from the Armed Forces of the United States, and to provide benefits, including applicable spousal benefits, to those veterans discriminated against 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 provide 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 provide to those veterans any
21 state-offered benefits; and

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

26 *Resolved by the Assembly and the Senate of the State of*
27 *California, jointly,* That the Legislature urges the Department of
28 Defense, Congress, and the President to create a more efficient
29 process of upgrading the status of those who were “dishonorably”
30 or other than honorably discharged from the Armed Forces of the
31 United States, and to provide benefits, including applicable spousal
32 benefits, to those veterans discriminated against solely on the basis
33 of their sexual orientation; and be it further

34 *Resolved,* That the Chief Clerk of the Assembly transmit copies
35 of this resolution to the President and Vice President of the United
36 States, to the Speaker of the House of Representatives, to the
37 Majority Leader of the Senate, and to each Senator and

- 1 Representative from California in the Congress of the United States
- 2 and the Department of Defense.

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