



## Legislation Details (With Text)

<b>File #:</b>	Res 0438-2004	<b>Version:</b>	A	<b>Name:</b>	Overturn the "Don't Ask, Don't Tell, Don't Pursue" policy and allow lesbians and gays to serve openly in the military.
<b>Type:</b>	Resolution	<b>Status:</b>	Adopted		
		<b>In control:</b>	Committee on State and Federal Legislation		
<b>On agenda:</b>	6/28/2004				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution calling on President George Bush, the U.S. Congress and the U.S. Department of Defense to overturn the current “Don’t Ask, Don’t Tell, Don’t Pursue” policy and allow lesbian, gay, bisexual and transgendered persons to serve openly in the military.				
<b>Sponsors:</b>	Alan J. Gerson, Margarita Lopez, Christine C. Quinn, Philip Reed, Tracy L. Boyland, Gale A. Brewer, Robert Jackson, Michael C. Nelson, Annabel Palma, Bill Perkins, Helen Sears, David I. Weprin, Eva S. Moskowitz, Eric N. Gioia, Lewis A. Fidler, G. Oliver Koppell, Leroy G. Comrie, Jr., Kendall Stewart, Diana Reyna, Bill De Blasio, John C. Liu, Larry B. Seabrook, Letitia James, Maria Baez, Tony Avella, David Yassky, Yvette D. Clarke, Miguel Martinez, Albert Vann, Sara M. Gonzalez, Domenic M. Recchia, Jr., Maria Del Carmen Arroyo, Gifford Miller, Betsy Gotbaum				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Committee Report 3/22/05, 2. Hearing Transcript 3/22/05, 3. Committee Report 5/10/05, 4. Hearing Transcript 5/10/05, 5. Hearing Transcript - Stated Meeting 5/11/05				

Date	Ver.	Action By	Action	Result
6/28/2004	*	City Council	Introduced by Council	
6/28/2004	*	City Council	Referred to Comm by Council	
3/22/2005	*	Committee on State and Federal Legislation	Hearing Held by Committee	
3/22/2005	*	Committee on State and Federal Legislation	Laid Over by Committee	
5/10/2005	*	Committee on State and Federal Legislation	Hearing Held by Committee	
5/10/2005	*	Committee on State and Federal Legislation	Amendment Proposed by Comm	
5/10/2005	*	Committee on State and Federal Legislation	Amended by Committee	
5/10/2005	A	Committee on State and Federal Legislation	Approved by Committee	Pass
5/11/2005	A	City Council	Approved, by Council	Pass

### Res. No. 438-A

Resolution calling on President George Bush, the U.S. Congress and the U.S. Department of Defense to overturn the current "Don't Ask, Don't Tell, Don't Pursue" policy and allow lesbian, gay, bisexual and transgendered persons to serve openly in the military.

By Council Members Gerson, Lopez, Quinn, Reed, Boyland, Brewer, Jackson, Nelson, Palma, Perkins, Sears, Weprin, Moskowitz, Gioia, Fidler, Koppell, Comrie, Stewart, Reyna, deBlasio, Liu, Seabrook, James, Baez, Avella, Yassky, Clarke, Martinez, Vann, Gonzalez, Recchia, Arroyo, The Speaker (Council Member Miller) and The Public Advocate (Ms. Gotbaum)

Whereas, In 1993, Congress passed and the President signed legislation, 10 U.S.C. § 654 (1993), that contained a policy

subsequently known as the Don't Ask, Don't Tell, Don't Pursue ("Don't Ask, Don't Tell") policy; and

Whereas, According to the September 29, 1999 issue of Stanford University's Stanford Report (the "Stanford Report"), the initial intent of the "Don't Ask, Don't Tell" policy was to end anti-gay discrimination in the Armed Forces; and

Whereas, According to the Servicemembers Legal Defense Network (SLDN), under the formal "Don't Ask, Don't Tell" framework, commanders are not supposed to ask and servicemembers are not required to reveal information regarding a servicemember's sexual orientation; and

Whereas, The SLDN states that under the "Don't Ask, Don't Tell" policy, a servicemember may be discharged from service if such member has said that he or she is homosexual or bisexual or made some other statement that indicates a propensity or intent to engage in homosexual acts; and

Whereas, According to the Stanford Report, despite the stated "Don't Ask, Don't Tell" policy, servicemembers are still asked whether or not they are gay and are not provided with legal protection when this question is addressed to them; and

Whereas, The Stanford Report concluded that the actual effect of the "Don't Ask, Don't Tell" policy has been to institutionalize anti-gay discrimination in the military; and

Whereas, During 1999, a year in which the military was governed by the "Don't Ask, Don't Tell" policy, Private First Class Barry Winchell was killed because of his love for an openly transgendered woman, an anti-gay hate crime committed by fellow soldiers and condoned by a culture of institutionalized homophobia at Fort Campbell, Kentucky; and

Whereas, The Center for the Study of Sexual Minorities (the "CCSM") in the Military reports that some 10,000 gay servicemembers have been discharged during the decade since Congress adopted the "Don't Ask, Don't Tell" policy; and

Whereas, Additionally, the CCSM found that the divisiveness introduced by the "Don't Ask, Don't Tell" policy weakens our military's, readiness, unit cohesion and troop morale; and

Whereas, Ex-Judge Advocate General Admiral John Huston (Retired) stated that the "Don't Ask, Don't Tell" policy detracts greatly from the esteem in which our military has been held by other nations, many of which allow gay people to openly serve in the military; and

Whereas, A Gallup Poll conducted during December 5-7, 2003, found that 79 percent of Americans who responded to the poll supported allowing gays to openly serve in the military; and

Whereas, H.R. 1058, the Military Readiness Enhancement Act of 2005, would amend Title 10 of the United States Code to enhance the readiness of the armed forces by replacing the current policy concerning homosexuality in the armed forces, referred to as "Don't Ask, Don't Tell," with a policy of nondiscrimination on the basis of sexual orientation; and

Whereas, The Council of the City of New York recognizes that lesbian, gay, bisexual and transgendered persons have served

and are still serving in the U.S. armed forces with honor and distinction, from the Revolutionary War to the current war in Iraq; now, therefore, be it

Resolved, That the Council of the City of New York calls on President George Bush, the U.S. Congress and the U.S. Department of Defense to overturn the current “Don’t Ask, Don’t Tell, Don’t Pursue” policy and allow lesbian, gay, bisexual and transgendered persons to serve openly in the military.

PS/bk  
LS# 1205  
3/16/05