

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON VETERANS

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December 14, 2015
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HELD AT: 250 Broadway - Committee Rm.
14th Fl

B E F O R E: ERICH A. ULRICH
Chairperson

COUNCIL MEMBERS: Fernando Cabrera
Alan N. Maisel
Paul A. Vallone
Joseph C. Borelli

A P P E A R A N C E S (CONTINUED)

Congressman Charles Rangel

Kristen Rouse
New York City Veterans Alliance

Denny Meyer
American Veterans Equal Rights

Dan McSweeney, Incoming President
New York United War Veterans Council

Audrey Carr, Director
Veterans Justice Project
Legal Services NYC

Dr. Amanda Spray, Psychologist & Assistant Director
The Steven and Alexandra Cohen Military Family Clinic
New York University

New York State Senator Brad Hoylman

2 [sound check, pause]

3 CHAIRPERSON ULRICH: Are we ready? Okay.

4 [gavel] Good morning. Almost good afternoon.

5 That's my fault. I am Council Member Eric Ulrich,
6 Chairman of the Veterans Committee. Last week in an
7 historic victory for New York City's veterans the
8 city's first ever Department of Veterans Services was
9 signed into law by Mayor de Blasio. The department
10 has been tasked with a--with a clear by ready
11 responsibility, to help all New York City's 225,000
12 plus veterans regardless of race, ethnicity,
13 regardless of gender, regardless of sexual
14 orientation. Despite the fact that many Lesbian,
15 Gay, Bisexual and Transgender veterans have served
16 our country honorably for decades since the inception
17 of our country, it is only in recent years that our
18 country has taken concrete steps towards their full
19 inclusion in military and post-military life.
20 Unfortunately, to make up for years of discrimination
21 and ill treatment, we still a long way to go. Today,
22 we will be hearing two resolutions co-sponsored by my
23 good friend Council Member Jimmy Van Bramer and our
24 Speaker Melissa Mark-Viverito in support of
25 legislation about the federal and state level that

2 will help veterans who receive less than honorable
3 discharges based on their sexual orientation get the
4 benefits they've earned through their--through their
5 service to our country and remove far reaching
6 consequences of having a negative discharge. The
7 first is a resolution in support of Restore Honor to
8 Service Members Act introduced in both the House and
9 Senate. It would make it easier for service members
10 discharged for no other reason other than their
11 sexual orientation to have their records corrected to
12 reflect their honorable service. Thereby allowing
13 them to access benefits such as VA healthcare and the
14 GI Bill of Rights.

15 We are honored to have with us today one
16 of the sponsors of the House bill, the distinguished
17 Charles Rangel, Congressman from New York, an Army
18 veteran who fought in the Korean War and champion for
19 veterans issues in the U.S. House. I want to thank
20 Congressman Rangel for his many decades of service to
21 our country and to the City of New York.

22 Additionally, we'll be hearing a resolution in
23 support of New York Restoration of Honor Act
24 introduced last month introduced last month by State
25 Senator Brad Hoylman. Over 50 state programs,

2 benefits and other services are expressly conditioned
3 on discharge status thus preventing those who are--
4 who receive a less than honorable discharge from
5 accessing them. This bill would clarify in state law
6 an unfavorable discharge based only on sexual
7 orientation and would not prohibit a veteran from
8 qualifying for those programs and benefits. Our
9 commitment to those men and women in uniform who
10 served honorably does not change based on their
11 sexual orientation. And, I want to thank both
12 Councilman Van Bramer, Speaker Melissa Mark-Viverito
13 for sponsoring these two resolutions that reaffirm
14 this basic principle.

15 I'd like to begin by acknowledging the
16 members of the committee who have joined us starting
17 with Council Member Alan Maisel of Brooklyn. Also we
18 have a newly elected colleague from Staten Island, my
19 good friend Joe Borelli. He's also a member of the
20 committee. Council Member Jimmy Van Bramer, not a
21 member of the committee, but an honorary member today
22 and the sponsor of legislation we're considering.
23 Council Member Paul Vallone and Council Member
24 Fernando Cabrera. I'd also like to thank the
25 committee staff Eric Bernstein, Committee Counsel

2 Michael Kurtz, Policy Analyst James Subudhi and John
3 Russell from the Finance Division, and before we hear
4 from Congressman Rangel, I would like to turn it over
5 to the sponsor of these resolutions Council Member
6 Jimmy Van Bramer to say a few words.

7 COUNCIL MEMBER VAN BRAMER: Thank you
8 very much, Chair Ulrich for your leadership on
9 everything to do with our veterans. I want to thank
10 Congressman Rangel for being such a champion and
11 Senator Hoylman, who happens to be a good friend of
12 myself and my husband. This is so important and as
13 many folks here know, it's incredibly personal for me
14 and my husband is a proud Navy veteran who was
15 removed from military service simply because he is a
16 gay man, and was a victim of Don't Ask Don't Tell.
17 Fortunately, he received an honorable discharge, but
18 had he been expelled from the military with a less
19 than honorable discharge simply for being gay, he
20 like so many others, approximately 100,000 at least
21 would be locked out from receiving benefits. He's
22 very proud of his service in the Navy as are all of
23 our Gay, Lesbian, Bisexual and Transgender veterans,
24 and this needs to happen and it needs to happen as
25 soon as possible. Because with each passing day we

2 lose some of those veterans, and we can never go back
3 and--and restore justice to all of those Gay,
4 Lesbian, Bisexual and Transgender veterans who have
5 already passed away, but who lost their dignity. Who
6 in many cases lost their lives because our military
7 did not appreciate and value their service as much as
8 they valued their country. And this is a matter of--
9 of justice that must be served for all of those who
10 served. This past summer I went to Spain with my
11 husband to visit the base in Rota where he was
12 stationed, and he loved that time serving our nation
13 bravely. He is a linguist, a graduate of the Defense
14 Language Institute in California, but he also told me
15 of the trial that he endured, and where that took
16 place on the base, and what he had to endure. And
17 while that was awful, what he had to endure probably
18 was not nearly as bad as what so many others had to
19 deal with even though they bravely fought for their
20 country, served their country, risked their lives for
21 this country. So, it's on behalf of all of those
22 brave, brave men and women who were stripped of their
23 honor, and their dignity and their service and their
24 sacrifice that we must pass the Restore Honor to
25 Service Members Act, and the Restoration of Honor

2 Act. So, I want to thank Speaker Melissa Mark
3 Viverito for caring about this issue, for allowing me
4 to be the prime sponsor of these knowing how deeply
5 and personal this issue is for me and my husband Dan
6 Hendrick. And, I want to thank Congressman Rangel
7 again for his leadership, and the American Veterans
8 for Equal Rights Denny Meyer is here, and also a
9 Queens resident. My husband was on the board of that
10 organization many years ago. So I want to thank
11 Monty for his work, and again thank Council Member
12 and Chairman Ulrich for being a dear friend to me and
13 Dan and all of my colleagues who also I think love my
14 husband Dan almost as much as I do. So thank you
15 very much.

16 CHAIRPERSON ULRICH: Thank you and I was
17 at his wedding. It was a beautiful wedding. My wife
18 and I were there with Jimmy Van Bramer, and to think
19 that our country would not appreciate the sacrifices
20 that so many have made on our behalf simply because
21 of the way that God made them--that's how they're
22 born--is frightening. This is 2015 and we're just
23 discussing legislation like this now. Anyway, his
24 schedule is very busy. I don't want to take up more
25 of his time, but I want to invite to the desk the

2 distinguished gentleman from New York who has served
3 the people of our city, and the Houses of
4 Representatives for how many years, Congressman?

5 CONGRESSMAN RANGEL: Forty-six.

6 CHAIRPERSON ULRICH: Forty-six years.

7 Amen. So thank you for being here today. I know how
8 important veteran issues are to you personally, and
9 we certainly appreciate you taking the time out of
10 your busy schedule to be with us today.

11 CONGRESSMAN RANGEL: Well, let me thank
12 this distinguished panel for the interest that it has
13 shown for our veterans, and certain Council Member
14 Van Bramer for his personal as well as political
15 interest in this subject and across the city, and
16 from Albany as we try to correct injustices that have
17 been committed against people who had different
18 sexual orientations and the majority. This--this
19 stigma has been with us in the military since the
20 Revolutionary War, and quite frankly, having then
21 served in combat, I don't ever recall anyone checking
22 out the sexual orientation when we were training,
23 when we were fighting, and when we were respecting
24 our flag. Several attempts have been made to
25 readjust the damage that has been done. But as the

2 Chairman has pointed out people have been denied
3 rights that they would be entitled to. The stigma of
4 dishonorable discharge is all because of
5 explanations, which they sound absolutely ridiculous.
6 And so in the legislation, Senator Gillibrand and
7 Senator Pocan and I have--what we do is allow the
8 Department of Defense to review all records since
9 World War II. And because of the difficulty it is to
10 get the necessary documentation, we ask for the
11 flexibility that would be necessary to allow the
12 service person upon request to be able, not
13 necessarily a document, but put together a situation
14 that would allow an objective decision to be made as
15 to why the discharge was less than honorable. In
16 many, many cases the service has not been as
17 fortified as they should have been out, but they
18 didn't particularly state the reason for it. This
19 allows the plaintiff, the person, the veteran to come
20 back to have it all readjusted and, therefore,
21 benefits whether they're medical benefits, housing
22 benefits, educational benefits could be restored. But
23 most of all, being able to say that you served our
24 country, and you served our country well is the most
25 important thing. We've had so many situations in our

2 country where people of color and people of different
3 backgrounds have been denied the full respect and
4 sustained on history. But it doesn't mean that we as
5 citizens can't come forward to seeing the interests
6 that--that this committee has had, and senators had
7 in knowing that we have Republicans as well as
8 Democrats over 100 sign off on the House bill. I'm
9 very optimistic that notwithstanding the problems
10 that we're having politically in the Congress that
11 we'll be able to get this through. And as you manage
12 consent of this committee that my written statement
13 be submitted and be part of your regular record, and
14 I thank you for this opportunity.

15 CHAIRPERSON ULRICH: Thank you so much
16 Congressman Rangel. Could you give us the--before
17 you leave just a sense of some of the feedback that
18 you received from some of your House colleagues
19 regarding this bill both Democrats and Republicans?
20 This was introduced several years ago so what--how
21 far do you think it's come since it's been
22 introduced?

23 CONGRESSMAN RANGEL: Well, we have--we
24 introduced it. We have picked up many more
25 signatures that we had the first time.

2 Unfortunately, the Congress is not a legislative body
3 it once was in terms of the committee working as
4 well, and we do have legislation that goes straight
5 to the leadership and then finds its way into omnibus
6 bills. And it's not as though it's the Congress that
7 I first served in, but I am optimistic because times
8 have changed, attitudes have changed, and people are
9 more responsible recognizing that those who served
10 our country have served our country, and they
11 entitled to all the benefits and respect that goes
12 with that. Naturally, anyone coming to me discussing
13 this subject is very favorable and supportive, but I
14 am optimistic that we'll get this passed this year.
15 Next year, I should say.

16 CHAIRPERSON ULRICH: Next well that--that
17 would be terrific. Do you think that there is more
18 opposition in the House or the Senate? Where do you
19 see the opposition coming from?

20 CONGRESSMAN RANGEL: Well, people who
21 oppose it don't discuss it publicly, and we haven't
22 had [coughs] it reach the floor for a debate, but I
23 certainly would have hope that as this City Council
24 is moving that you encourage our spiritual leaders
25 and other people to get in touch with their members

2 of Congress and remind that we have obligations that
3 we have to fulfill, and it's not just based on the
4 fact that the--the Republicans can't get their
5 leadership in line. And we cannot really have a line
6 where legislation goes, the committee has hearings
7 the way it normally happens. But I think that what
8 you're doing is just as important. It's about what
9 we're trying to do in the House of Representatives
10 and that is focus attention on the injustices that
11 have been made, and appeal to the Congress to right
12 the wrong. It's very well established that what we
13 have done had been wrong, and we do have the
14 opportunity to correct it and restore. We can't
15 restore all the pain and suffering that has happened,
16 but we can restore some of the benefits, and the
17 honor of being on early discharge.

18 CHAIRPERSON ULRICH: Congressman, I'm
19 going to turn it over to my colleagues if they have
20 any comments or questions. I'll start with the co-
21 sponsor of the Resolution, Jimmy Van Bramer.

22 COUNCIL MEMBER VAN BRAMER: Thank you
23 very much. I just want to say thank you again,
24 Congressman Rangel for your leaderships, and these
25 benefits are so wide-ranging and so incredibly

2 important for all of our veterans including our LGBT
3 veterans. We ourselves are benefits--are
4 beneficiaries of benefits. Because Dan is a veteran
5 of the U.S. Navy we got our mortgage through the Navy
6 Federal Credit Union, and--and there are so many
7 people who are denied even those most basic benefits
8 simply because they're gay or lesbian. And you said
9 it. I was going to say it, we cannot ever take away
10 the pain, and the awful trials and tribulations that
11 these brave men and women were forced to endure. And
12 dare I say many of them serving--serving more bravely
13 and fighting for their country more so than some of
14 the members of Congress who oppose this measure ever
15 did, and--and yet they--

16 CONGRESSMAN RANGEL: [interposing] Right.
17 That is an understatement.

18 COUNCIL MEMBER VAN BRAMER: Yes, and I--I
19 as a--as a gay man is married to a veteran who knows
20 of--of the pain that so many felt. It's outrageous
21 that folks would--would seek to deny a restoration of
22 these benefits, and--and a move-- As you said
23 earlier, for some it's not the benefits but it's the
24 honor. It's to know that your country values you
25 and your service, and--and they know they did nothing

2 wrong. They know they did nothing wrong, and yet
3 they're made to suffer in some cases for the rest of
4 their lives. And we have got to as a nation do
5 better, and--and I want to thank you for leading the
6 charge for that.

7 CHAIRPERSON ULRICH: Any other my
8 colleagues? Council Member Vallone.

9 COUNCIL MEMBER VALLONE: Just a thank
10 you, a humble thank you, Congress Member. I think
11 now I'm the last of the Vallones that you have come
12 before. It's three generations. I guess my brother
13 and my dad and we all are--are extremely honored to
14 have you be our Congressman for 46 years, and for the
15 Majority Member your passion on this, and getting our
16 committee and the rest of the Council members on
17 this. It's truly is an honor to all of our veterans
18 to have these pass. So thank you. So keep doing
19 your leadership and we support all that you do. So
20 thank you.

21 CONGRESSMAN RANGEL: You come from a
22 great political family. I admire your work.

23 CHAIRPERSON ULRICH: Any other of my
24 colleagues? Not at this time. Congressman, thank
25 you again--

2 CONGRESSMAN RANGEL: [interposing] Thank
3 you so much.

4 CHAIRPERSON ULRICH: --for being here
5 today. Thank you. Okay, we are going to call up the
6 first panel of speakers. The first and the only, but
7 last but not least. Let's start with Denny Meyer.
8 American Veterans for Equal Rights; Kristen Rouse,
9 our New York City Veterans Alliance; Dan McSweeney,
10 United War Vets Council; Audrey Carr from Legal
11 Services NYC and Dr. Amanda Spray, NYU Langone. We
12 have five, and oh--okay, is he going to speak?
13 [background comment] Oh, okay, so we'll have the
14 first panel and then we'll have the sponsor of the
15 State Resolution speak on his own. Okay, we will
16 start from the left to the right if we can. Let's
17 start with Kristen Rouse, and we'll put the clock at
18 four minutes a speaker to give each speaker enough
19 time.

20 KRISTEN ROUSE: So good afternoon--good
21 morning. Thank you.

22 CHAIRPERSON ULRICH: And just state your
23 name for the record as you're about to speak. Thank
24 you.

2 KRISTEN ROUSE: Good morning. My name is
3 Kristen Rouse, and I'm speaking on behalf of the New
4 York City Veterans Alliance, and thanks to the
5 committee, the City Council and to Congressman Rangel
6 for coming in today on this important issue. I'm a
7 veteran of the United States Army, and I served three
8 tours of duty in Afghanistan, and I have lived in
9 Brooklyn since leaving active duty in 2007. The U.S.
10 Military's Don't Ask Don't Tell policy for too many
11 years enforced discrimination and second class
12 citizenship for gay and lesbian service members, and
13 the policies preceding it were even worse. The
14 injustices that men and women in uniform were forced
15 to bear urge many to step forward and lead in the Gay
16 Rights Movement going back as far as Henry Gerber a
17 veteran of both World War I and World War II who
18 found the first Gay Civil Rights group in the United
19 States. Later, veterans from World War II, Korea and
20 Vietnam would lead and propel the Gay Rights Movement
21 that would eventually achieve the progress we see
22 today. Harvey Milk enlisted in the U.S. Navy during
23 the Korean War, and served on submarines as a dive
24 instructor, and later rose to fame as a gay rights
25 activist serving as one of the first openly gay

2 elected officials in the U.S. before he was
3 assassinated in 1978. Yet, despite the strength of
4 these veterans who succeeded after the service, the
5 personal damages from unjust policies and enforced
6 discrimination have been impossible to quantify. Far
7 too many men and women suffered during their years of
8 service having to hide who they were not only for
9 fear of dishonorable or bad paper discharges, but
10 also out of fear of discrimination, mistreatment and
11 violence. Service members Allen Schindler and Barry
12 Winchell were murdered by members of their own units
13 because they were believed to be gay. Other service
14 members have been raped, brutalized, coerced or
15 otherwise forced to suffer in silence because of
16 their sexual orientation. I personally served for 17
17 years under the Don't Ask Don't Tell policy, and
18 while I knew others who suffered far worse than I
19 did, my active service was characterized by social
20 isolation. If I wanted to steer clear of being
21 betrayed by my military colleagues and not experience
22 the investigations, inquiries and discharge
23 proceedings, I couldn't let members of my unit know
24 much about me. I internalized harassment and the
25 near daily slanders of gay and lesbian people that

2 were part of my work environment as simply the price
3 I had to pay for serving my country. I was and
4 remain proud of my military service, but for 17 years
5 including two of my three tours in Afghanistan I was
6 told that unit cohesion would suffer if the military
7 ever accepted openly gay people. Yet, we were the
8 ones who suffered under this policy. We learned that
9 if we wanted to serve our country honorably, if we
10 want to do our jobs and get promoted, if we wanted to
11 endure the harassment and discrimination, we could
12 never fully trust our unit members. And we had to--
13 we had to accept that we were less than equal or at
14 least be silent about it. If we could ever learn how
15 many gays and lesbians have actually served or the
16 true statistics showing the consequences of this
17 unjust policy such as rates of sexual assault,
18 depression, post traumatic stress or elevated risk of
19 suicide, I believe it would be simply staggering.

20 All of this is to say that the Restore Honor to
21 Service Members Act, and the New York Restoration of
22 Honor Act must be seen as just the beginning of
23 restoring justice for gay and lesbian service members
24 and veterans. Automatic upgrades are important, but
25 they won't reverse the damage done. There are still

2 too many cases that won't be upgraded because of
3 aggravating charges like when a service member fought
4 back, went AWOL or otherwise behaved in ways that
5 responded to enforced discrimination, coercion,
6 sexual violation or other unreasonable and unjust
7 conditions. And the ban on transgender personnel
8 that even today remains in place only continues the
9 same damage and injustice that gay and lesbian
10 personnel faced for generations. Add to that the
11 fact that VA healthcare providers still show little
12 or no understanding of what gay and lesbian service
13 members have faced. Why gay and lesbian veterans
14 remain at higher risk for suicide, and are an
15 underserved population for healthcare because of
16 continued discrimination. And it also must be noted
17 that as--that as recent as 2010 when many of us
18 looked for support from VSOs, the American Legion and
19 VFW made clear that they did not support gay and
20 lesbian service members and veterans when national
21 leadership took positions opposing the repeal of
22 Don't Ask Don't Tell. And also to be noted they are
23 not here today. Gay, lesbian and transgender
24 veterans still struggle for acceptance even with the
25 veterans community. [bell] In summary, the New York

2 City Veterans Alliance strongly supports these
3 resolutions calling on Congress and the New York
4 State Legislature to pass bills that begin to restore
5 justice for gay and lesbian service members and
6 veterans. But these resolutions must also take into
7 account that these bills are just the beginning, and
8 that much work is yet to be done for veterans still
9 suffering in silence as a result of their military
10 service. On behalf of the New York City Veterans
11 Alliance, I thank you for the opportunity to testify
12 today.

13 CHAIRPERSON ULRICH: I thank you for your
14 testimony and, of course, as always I thank you for
15 your friendship and most importantly for your service
16 to our country. The next speaker, Denny.

17 DENNY MEYER: Thank you Chairman Ulrich,
18 the committee, Jimmy Van Bramer and Eric Bernstein
19 for your help on this. I'm Denny Meyer. I'm a gay
20 also disabled American veteran. I served for ten
21 years in two services during and after Vietnam
22 leaving the service honorably as a Sergeant First
23 Class. I left by not re-enlisting or to be able to
24 live freely as a gay person rather than continuing to
25 hide who I was. I volunteered to serve my country as

2 a first generation American child of Holocaust
3 refugees. My mother arrive at Ellis Island as an
4 illegal immigrant, a refugee, and I wanted to pay my
5 country back for my family's freedom and did so in
6 uniform for over a decade to honor my mother's
7 rearing me to believe that there's nothing more
8 precious than American freedom. From World War II
9 through repeal of Don't Ask Don't Tell over 114,000
10 patriotic American volunteers were involuntarily
11 discharged from our armed services due to being gay,
12 simply because of who they were. Many were fired
13 with less than honorable discharges, dishonorably in
14 disgrace due to a policy and prejudice. To this day,
15 many of these patriots are still waiting to have
16 their service recognized and honored, and to be
17 eligible for medical and other benefits that they
18 earned serving our nation. The discrimination they
19 suffered has not been rectified. The battle isn't
20 over. Many had their working careers limited by
21 their dischargers, and many continued to be denied
22 the benefits they earned both from the VA and from
23 the State of New York as well as other states in
24 which area they reside. The Congressional Restore
25 Honor to Service Members that would streamline this

2 charge up process, which currently can take decades.

3 Enabling our patriotic lesbian, gay, bisexual and

4 transgender American veterans to at long last receive

5 honor, dignity, respect and benefits that they earned

6 serving our nation in World War II, Korea, Vietnam

7 Iraq and Afghanistan. The time has long past to

8 rectify the prejudice the endured. This Act was

9 introduced by New York's own Kristen Gillibrand,

10 Representative Rangel, who just spoke to us as well

11 as Senator Schatz and for why an openly gay

12 Representative Procan of Wisconsin. Together--oh,

13 I'm sorry. The New York State Restoration of Honor

14 Act would assure that our LGBTQ veterans in New York

15 State receive benefits equal to our patriotic

16 veterans--[bell] I'm almost there--regardless of

17 their discharge status. Together, these two

18 essential pieces of legislation will alleviate the

19 ongoing discrimination for an outdated policy that

20 American Veterans for Equal Rights has advocated

21 against for 25 years. In 2005, this Council passed

22 the nation's first Don't Ask Don't Tell Repeal

23 Resolution, whichever requested, which was copied

24 across the country in cities and states and counties,

25 which resulted in eventual repeal to Don't Ask Don't

2 Tell. Once again, I thank the New York City Council
3 for its enlightened--enlightened consideration. Thank
4 you.

5 CHAIRPERSON ULRICH: Thank you, Denny,
6 for your service, for your powerful testimony, and I
7 want everyone to know that the reason why we are
8 having this hearing on this particular topic is
9 because Denny got my ear at the Veterans Day
10 celebration at Borough Hall, Queensboro Hall this
11 year, and told me all about this bill in Congress and
12 how important it was to the LGBTQ community.

13 DENNY MEYER: [interposing] Thank you.

14 CHAIRPERSON ULRICH: And it was that day
15 that I called Jimmy Van Bramer and several other of
16 my colleagues to ask them if they knew about it and,
17 of course, they did and I said well we ought to have
18 a hearing on this. This is very important because I
19 think that we as a body should be taking a stand on
20 this issue because we represent thousands of veterans
21 in our own districts, and many of them also happen to
22 be gay. And there are no--there is none--there are
23 no second-class citizens in this city especially
24 those who have served our country honorably. We

2 don't want them to feel discriminated against in any
3 way. So I want you to know and take credit for that.

4 DENNY MEYER: [interposing] Thank you.

5 CHAIRPERSON ULRICH: So the reason why
6 we're having this today is because of your tireless
7 advocacy.

8 DENNY MEYER: [interposing]

9 CHAIRPERSON ULRICH: So thank you very
10 much.

11 DENNY MEYER: There's a second page just
12 for the record on the State Resolution.

13 CHAIRPERSON ULRICH: Thank you. We will-
14 -we will have it submitted to the record. Next, we
15 will hear from Dan McSweeney from the United War Vets
16 Council.

17 DAN MCSWEENEY: Thank you very much.

18 Good morning, Chairman Ulrich and members. My name
19 is Dan McSweeney. I'm the incoming President of the
20 United War Veterans Council here in New York. I'm a
21 veteran of the Marine Corps, served in Iraq in 2003
22 and 2007. In 1985, the UWVC became the organizers of
23 the Veterans Day Parade in New York. One of our
24 organization's first acts at that time was to declare
25 the parade inclusive of all groups who had previously

2 been kept from participating because of issues
3 related to sexual orientation and gender. We
4 understood 30 years ago that this exclusive was
5 divisive to our community and fell short of our high
6 expectations for the treatment of veterans. In the
7 21st Century UWVC maintains a comprehensive set of
8 programs aimed at honoring service performed
9 honorably period. Previous DOB policies have left
10 many veterans without services and privileges that
11 rightfully deserve. These should be restored as soon
12 as possible in keeping with the best traditions of
13 our military, which took major steps to integrate
14 well before the broader United States population. We
15 support the Restore Honor and the Restoration of
16 Honor Act. Thank you for your attention today.

17 CHAIRPERSON ULRICH: Thank you. As
18 always, thank you. Audrey Carr, Legal Services NYC.

19 AUDREY CARR: Thank you and good morning.
20 I'm Audrey Carr and I'm the Director of the Veterans
21 Justice Project at Legal Services NYC. While we have
22 a Veterans Justice Project that serves over 8,000
23 veterans, active duty service members and their
24 families and with their civil legal needs. I'm
25 delighted to be here this morning to contribute to

2 this committee and the City Council's efforts to
3 encourage the U.S. Congress to pass the Restore Honor
4 to Service Members Act and the New York State Senate
5 to enact the New York Restoration of Honor Act. As
6 this committee is well aware, the Department of
7 Defense Form 214 or the DD214 is the form that every
8 member--service member receives upon separation from
9 the military. The DD214 contains a wealth of
10 information including what branch of the military a
11 service member was in, the dates the service member
12 served in the military, the rank, training received
13 and the pay rate. In addition, the DD214 called--has
14 what it calls a SPN Code that lists the reason that a
15 service member left the military. The DD214 is
16 effectively a service member's resume that provides
17 details about that service member's military service.
18 And many veterans provide the DD214 to prospective
19 employers. The DD214 is crucial because depending on
20 it states about a service member's discharge it
21 either opens doors for veterans or effectively shuts
22 them--shuts off many opportunities to veterans. If
23 the DD214 states that the veteran was dishonorably
24 discharged, then at the federal level she cannot
25 become a U.S. citizen, get healthcare benefits from

2 the VA, receive military--a military pension or
3 qualify for the many existing educational benefits
4 provided to veterans and their families. Likewise,
5 at the State level, a veteran with a negative
6 discharge status cannot obtain a general vendor's
7 license, housing in Mitchell Lama housing
8 developments, credit on civil service job exams,
9 access to state educational benefits and property tax
10 exemptions. Most veterans released from the military
11 for a homosexual act receive an honorable or general
12 under honorable circumstance discharge. Those
13 veterans with the honorable discharge who were
14 released from the military under Don't Ask Don't Tell
15 might have homosexual conduct, homosexual admission,
16 sodomy, or homosexual listed on the narrative portion
17 of the DD214 as the reason for the discharge. Many
18 of the veterans, however, were discharged from the
19 military for homosexuality with an aggravating
20 factor. This aggravating factor could include acts
21 committed openly in public view, committed on base,
22 on post. A discharge with aggravating factors
23 results in an other--other than honorable discharge.
24 Regardless of whether the discharge was honorable or
25 not, veterans discharged from the military for their

2 sexual orientation are loathe to submit their DD214
3 to potential employers because the narrative portion
4 of the form does not only place a stigma on the
5 veteran, it often leads to the veteran being
6 discriminated and denied employment and other
7 prospects. In 2014, Legal Services joined with the
8 Services and Advocacy for Gay, Lesbian, Bisexual and
9 Transgender Elders or SAGE. SAGE provides services
10 to and engages in advocacy on behalf of older gay,
11 lesbian, bisexual and transgender persons. Its
12 veterans program assists elderly veterans who left
13 the military with a DD214 that make specific
14 reference to their sexual orientation. Our Veterans
15 Justice Project is currently working with a 70-year-
16 old veteran who was referred to us by SAGE. This
17 veteran enlisted in the U.S. Air Force in 1956 at 18
18 years old just after the Korean War. He served in
19 the military without incident until 1959 when he
20 received an honorable discharge, but the SPN Code on
21 this Veterans' Form DD224 states: Homosexuality
22 acceptance [bell] discharge in lieu of board action.
23 In other words, the veteran was forced to leave the
24 military or face prosecution for homosexuality. The
25 Veteran's sexual orientation has absolutely nothing

2 to do with his military service. Yet, it is an
3 official statement that has been part of his military
4 record for 56 years. Moreover, because of his
5 discharge record, he has been denied access to
6 medical care and other services that someone his age
7 desperately needs. The Veteran Justice Project with
8 the assistance of pro bono counsel is currently
9 petitioning the Air Force Discharge Review Board to
10 remove the harmful notation from the Veteran DD214
11 form. This past June, Secretary of Defense Ashton
12 Carter announced that the Department of Defense had
13 completed its process for updating the Department's
14 Military Equal Opportunity Policy to include sexual
15 orientation, discrimination--sorry--to include sexual
16 orientation thereby ensuring that the Department of
17 Defense like the rest of the federal government
18 treats sexual orientation discrimination similarly to
19 discrimination based on race, religion, color, sex,
20 age and national origin. Although admirable, a
21 change in DOB policy is not enough. The legislation
22 introduced in the New York State Senate and also in
23 the U.S. Senate and the House of Representatives is
24 essential to ensuring that gay veterans change their
25 discharge status and be truly recognized for their

2 noble service to this country. Without this
3 legislation, hundreds of veterans will continue to be
4 cheated out of the benefits they are entitled to, to
5 successfully live lives in our country. Thank you.

6 CHAIRPERSON ULRICH: Thank you and last,
7 but not least, of course Dr. Amanda Spray for NYU
8 Langone.

9 DR. AMANDA SPRAY: Thank you so much.
10 Let's see if I can reach it. Thank you for inviting
11 our testimony. My name is Dr. Amanda Spray. I'm a
12 psychologist and the Assistant Director of NYU's
13 Military Family Clinic. I'm here today to testify
14 on behalf of the leadership and staff of our clinic
15 in support of these preconsidered resolutions. The
16 Steven and Alexandra Cohen Military Family Clinic at
17 NYU provides high quality free mental health
18 treatment to veterans, active duty service members
19 and their entire families. Our clinicians have seen
20 the negative impact on LGBT service members who have
21 been dishonorably discharged because of who they are
22 and whom they love. The lasting psychological impact
23 is incalculable. To be discharged dishonorably is to
24 be disowned, disenfranchised and discarded. For
25 many, serving in the military is to be welcomed as a

2 family member. For those in the LGBT community to be
3 told they have not served honorably is to have that
4 family turn their backs on them. The implications of
5 these feelings ripple throughout their lifetimes. A
6 dishonorable discharge limits veterans access to
7 care, reinforcing the message to others--reinforcing-
8 -sorry--reinforcing the message to be a LGBT war
9 fighter that he or she is not worthy of the medical
10 and mental health services others have earned. To be
11 accepted by community is a fundamental human need.
12 For those who risk their lives for our country, being
13 honored as one who has served is a necessary
14 component of that healing. These important
15 resolutions are in keeping with a nationwide effort
16 to right the wrongs of the past. In 1973, the
17 American Psychiatric Association removed
18 homosexuality as a mental disorder from the
19 Diagnostic and Statistical Manual. In 2011, Don't
20 Ask Don't Tell was repealed and on June 26, 2015,
21 marriage equality became the law of the land. These
22 resolutions are taking sledgehammers to walls built
23 by discrimination while further solidifying the
24 important institutions that make up the foundation of
25 our society. As a country we're obligated to restore

2 honor to those LGBT who have served honorably. We at
3 the Military Family Clinic are in favor of these
4 preconsidered resolutions and thank the City Council
5 Veterans Committee for supporting this
6 extraordinarily important cause. Thank you.

7 CHAIRPERSON ULRICH: Thank you very much,
8 Dr. Spray. Do any of my colleagues have any
9 questions? Council members for the panel, any member
10 of the panel? No? Okay, I can't thank you all
11 enough for being here today. We are now going to
12 hear testimony from the State Senator who introduced
13 the resolution in Albany. I know his schedule is
14 also pretty busy as well. We are joined today by
15 Senator Brad Hoylman from Manhattan. Please take a
16 seat and thank you or if no, thank you. Thank you
17 for being here today. [background comments] And
18 we're not going to run the clock. Just don't abuse
19 the privilege. [laughter] I know how they are in
20 Albany, you know, so.

21 SENATOR BRAD HOYLMAN: As Gerald can tell
22 you, I was telling the Council Member that I miss his
23 presence. Gym buddies. That's--that's--that's where
24 most of the work gets done in Albany. But I--I--I'm
25 State Senator Brad Hoylman. It's an honor to be

2 here. It's good see our friends and colleagues, and
3 really am grateful for the Council for considering
4 your resolution. I wanted to ask you if any of you
5 knew the name of Lieutenant Gotthold Frederick
6 Inslin. [background comments] Yes. Lieutenant
7 Inslin was the first gay individual dismissed because
8 of his sexual identity. Way back in 1778 by no other
9 than George Washington, according to Randy Shiltz and
10 his similar *Conduct Unbecoming*, which traced the
11 history of LGBT people in the military. So we have a
12 long and dark and clouded record in the United States
13 when it comes to treatment of LGBT in the military.
14 But fast forward, of course, to the landmark repeal
15 of Don't Ask Don't Tell as well as the appointment by
16 President Obama of another individual who if Shiltz
17 were to write an epilogue certainly would feature
18 prominently and that's Eric Fanning, the first openly
19 gay Army Secretary in--in U.S. history. So there has
20 been a restoration of honor when it comes to the LGBT
21 community, but it's not complete, and it's not
22 complete as you heard from Congressman Rangel and the
23 other experts today because so many men and women
24 were forced out of the military simply because of
25 their gender identity or sexual orientation. And have

2 since been left bereft without the benefits and
3 support that we expect people who serve in uniform
4 and who put their lives at risk for us and for our
5 freedom to have. That's the rationale behind the
6 Restoration of Honor Act at the state level, and you
7 have a copy I believe of the report that--that I
8 prepared in support of the bill. And the reason that
9 we were moved to--to introduce the legislation is
10 because things in Congress are such that we can't
11 wait nor can a lot of these service men and women
12 wait for Washington to act. Many of them are--have
13 disabilities, are--are veterans of wars decades ago,
14 and have frankly little time left for us to express
15 our gratitude and for them to receive the rights and
16 programming that--that we expect them to have as
17 veterans. The report found 53 different benefits
18 based on our research that New York--New York as a
19 state could provide to our veterans without having to
20 wait for federal action. So the--the benefits range
21 from those in the New York State Division of Veteran
22 Affairs to job opportunities to education, pension
23 and retirement, death benefits, transportation
24 benefits, tax benefits, appointment opportunities
25 that veterans are entitled, and a whole host of other

2 benefits. And just to give you some of the examples,
3 health screening services for veterans who have been
4 experiencing health problems. Well that's a--that's
5 a benefit that veterans in New York State receive
6 from the State of New York. But because they were
7 discharged being LGBT, they don't get that.
8 Eligibility to gain official status as a service, a
9 disabled veteran-owned business. Well, if you were
10 discharged as an LGBT vet, you don't get that under
11 New York Law. Access to full tuition, scholarships
12 for SUNY, undergraduate and graduate degree programs
13 and the list goes on and on. So I'm just very
14 grateful that the Council is taking--is taking
15 initiative just as we attempted to take initiative at
16 the state level. If the federal government won't act
17 and provide our veterans or LGBT veterans the
18 services and the benefits to which they are entitled,
19 then New York should do that. So thank you so much,
20 and again, I really appreciate the opportunity to
21 speak to you today.

22 CHAIRPERSON ULRICH: Senator, thank you
23 so much for your testimony and, of course, for your
24 advocacy on behalf of veterans not only in your
25 district but across the State of New York. One of my

2 earliest memories as a--as a child about the City
3 Council when I was brought here I think I was 9 or 10
4 years old, one of my predecessors who recently passed
5 away, Council Member Al Stabile who was quite a
6 character was very fond and very good and very good
7 friends with your predecessor then Councilman Tom
8 Duane. And I remember meeting Tom Duane downstairs
9 in the members lounge as a young man, and Al Stabile
10 told me, "Eric, this is Tom Duane. He's the first
11 openly gay City Council member in the City of New
12 York." And, I didn't know what that meant. I went
13 home and I told my family that I met Tom Duane who is
14 the first openly gay City Councilman and they were--
15 you know, my family said, Oh, that's very nice. But
16 I mean now, of course, these things stick. So, he
17 was a terrific guy, and I know that you're probably
18 still very close with him, Tom Duane.

19 SENATOR BRAD HOYLMAN: I saw him last
20 night.

21 CHAIRPERSON ULRICH: You saw him last
22 night. So he's a terrific guy, and you are
23 continuing the proud legacy in that district of
24 representing the interests in the people who live
25 there. And this is such an important issue for

2 thousands of veterans in the city. And we can never
3 do justice, as was mentioned previously, because so
4 many have died. Veterans who served in World War II
5 Korea and in Vietnam who suffered from illnesses
6 related to exposure to Agent Orange, and coming down
7 with respiratory diseases and various forms of
8 cancer. There's nothing that we can do to undo the
9 injustices that were inflicted upon them because many
10 of them have passed away. But we can honor their
11 service, and their legacy by taking a public stance.
12 The City cannot change laws in the federal
13 government. We can't change laws in Albany, but even
14 in areas that we don't have control over, we should
15 take a stand and make a public statement and let the
16 veterans and their loved ones who are living in New
17 York City know that we're on their side. And anyone
18 who took the oath of office and risked their life to
19 defend our great country gay, straight, black, white,
20 Catholic, Jewish, Muslim, non-believer, Brooklyn,
21 Bronx, Queens, Staten Island. It doesn't matter
22 where they come from, what their orientation is, how
23 God made them, we want to say thank you to them. We
24 want to let them know that we appreciate them as a
25 person, and everything that they've done on our

2 behalf. My brother is a Marine currently serving in
3 Camp Pendleton in San Diego. My grandfather was a
4 Navy veteran. My great grandfather was an Army
5 veteran in World War II. I know that when they serve
6 or when they serve, it didn't matter whether they
7 come as--where they were coming from or what their
8 sexual orientation was. They were banded together as
9 brother and sisters certainly now especially in
10 combat, and when they come home, when they come out
11 of active duty, the last thing that should happen is
12 that they--they be discriminated against--

13 SENATOR BRAD HOYLMAN: [interposing] Yes.

14 CHAIRPERSON ULRICH: --for any reason
15 whatsoever. To think that in this country we would
16 discriminated against a veteran who went to Iraq or
17 Afghanistan, and we heard from some today simply
18 because of the way God made them is outrageous. And
19 so while we will not be passing these resolutions
20 today because they are technically considered
21 preconsidered, but we will be passing them at the
22 next committee hearing, which we will inform your
23 office about. But, I wanted to thank you and let you
24 know that this is really important. It's important to
25 you. It's important to me. It's important to the

2 members of this committee. This is important work
3 that we're doing here today. Council Member Van
4 Bramer, did you want to add anything before we wrap
5 up?

6 COUNCIL MEMBER VAN BRAMER: I'll just
7 finish up by thanking the Senator, who is a good
8 friend and he has been even better friends with my
9 husband, Dan Hendrick, whose birthday it is today.

10 SENATOR BRAD HOYLMAN: Oh, happy birthday
11 to him.

12 COUNCIL MEMBER VAN BRAMER: So it is very
13 timely that we're taking this up today, but I want to
14 thank the Senator for his unbelievable leadership on
15 this issue, and so many others. He is indeed a
16 worthy successor of the office that he is in, but
17 also to thank you, Mr. Chair, for your friendship and
18 for your--your for your decency and, of course, the
19 Speaker for helping lead the charge here. So with
20 that I just want to say thank you, Senator Hoylman.

21 SENATOR BRAD HOYLMAN: Thank you very
22 much, Councilman.

23 CHAIRPERSON ULRICH: Thank you, Council
24 Member. Past Assembly Member Borelli, do you have any
25 parting words for the Senator?

2 COUNCIL MEMBER BORELLI: [off mic] The
3 feeling is mutual. [on mic] The feeling is mutual.
4 I will miss you also.

5 SENATOR BRAD HOYLMAN: Yeah, thank you.

6 CHAIRPERSON ULRICH: Okay, I think that
7 wraps up today's hearing. There are no more
8 speakers. I want to thank everybody for coming and
9 this meeting is adjourned.

10 SENATOR BRAD HOYLMAN: Thank you.

11 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 19, 2015