

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL RIGHTS & VETERANS

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June 8, 2010
Start: 1:12 pm
Recess: 2:46 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
DEBORAH ROSE
MATHIEU EUGENE
Chairperson

COUNCIL MEMBERS:
Fernando Cabrera
James G. Van Bramer
James Sanders, Jr.
Lewis A. Fidler
David Greenfield
Margaret Chin
Julissa Ferreras
Daniel Dromm
Larry B. Seabrook

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

Denny Meyer
President
American Veterans for Equal Rights

Christa Bosch
Lesbian, Gay, Bisexual, Transgender Rights Committee
New York City Bar Association

Daniel Hendrick

Jenn Hogg
Cofounder
Service Women's Action Network

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2 CHAIRPERSON ROSE: This hearing is
3 called to order. Good afternoon, my name is
4 Debbie Rose and I am the Chair of the New York
5 City Council's Committee on Civil Rights. First I
6 would like to thank the Committee on Veterans and
7 Council Member Eugene, who is the Chair of the
8 Veterans Committee, for co-chairing this important
9 hearing today. I would also like to introduce the
10 other members of the Committee here with us today,
11 and they are Council Member Cabrera, Council
12 Member Van Bramer, Council Member Sanders, and
13 Council Member Fidler.

14 MALE VOICE: Greenfield.

15 [Off mic]

16 CHAIRPERSON ROSE: Oh, oh, hi.

17 [Off mic]

18 CHAIRPERSON ROSE: Oh, excuse me,
19 Council Member Greenfield.

20 Today's hearing is on the proposed
21 Resolution number 169A which calls on Congress to
22 pass language in the 2011 Defense Authorization
23 Act that would repeal Don't Ask, Don't Tell, Don't
24 Harass, Don't Pursue, and to allow lesbian, gay,
25 bisexual, and transgendered persons to serve

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2 openly in the military. The Committee on Civil
3 Rights will be voting on this resolution during
4 this hearing.

5 Don't Ask, Don't Tell, Don't
6 Harass, Don't Pursue, commonly referred to as
7 Don't Ask, Don't Tell, permits gays and lesbians
8 to serve in the military so long as they do not
9 disclose their sexual orientation and do not
10 engage in homosexual conduct. The law also
11 precludes military officials from asking about the
12 sexual orientation of a service member without
13 credible information indicating homosexual
14 tendencies and prohibited harassment based on
15 sexual orientation, whether real or perceived.
16 Although this law was intended to allow gays and
17 lesbians to serve in the military without fear of
18 being harassed or discharged, it's flawed
19 execution has resulted in investigations and a
20 discharge of over 14,000 service members from the
21 military as a result of their sexual orientation.
22 The continued existence of Don't Ask, Don't Tell
23 has been cited for compelling an average of 4,000
24 soldiers to voluntarily leave the Armed Forces
25 each year.

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2 In an effort to end discriminatory
3 practices and biased-based harassment from
4 continuing in the military, language repealing
5 Don't Ask, Don't Tell has been included in the
6 National Defense Authorization Act for fiscal year
7 2011. The amended National Defense Authorization
8 Act was passed by the House of Representatives and
9 the Senate Armed Services Committee on May 28,
10 2010. The full senate is expected to vote on this
11 legislation sometime this summer. If passed,
12 Don't Ask, Don't Tell will not be repealed until
13 the federal government is sure that the repeal of
14 Don't Ask, Don't Tell is consistent with military
15 readiness and effectiveness and that the
16 Department of Defense is prepared to implement its
17 repeal. As such, it is likely that the repeal
18 will not go into effect until sometime in 2011,
19 despite the progress made in Congress on this
20 issue.

21 I am well aware that some concerns
22 remain, and I am sure that we will hear about some
23 of those concerns during today's hearing. I look
24 forward to hearing from witnesses today about the
25 potential impact that the repeal of Don't Ask,

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2 Don't Tell will have on to end the discrimination
3 and biased-based harassment in the armed services.

4 I would like to thank everyone for
5 working on this afternoon's hearing, and as a co-
6 sponsor of proposed Resolution number 169A, I
7 would like to urge my colleagues on the Committee
8 on Civil Rights to vote in favor of the pending
9 resolution before this Committee. I would also
10 like to urge all of my colleagues on the City
11 Council to support the resolution as a collective
12 body. Before going any further, I would like to
13 recognize my co-chair today, Council Member
14 Eugene.

15 CHAIRPERSON EUGENE: Thank you very
16 much, Madam Chair, thank you. Good morning and
17 welcome again to this joint meeting of the
18 Committees on Civil Rights and Veterans. My name
19 is Mathieu Eugene and I serve as the Chairman of
20 the Committee on Veterans. The Committee on
21 Veterans is here today because the Don't Ask,
22 Don't Tell policy not only affects gays in the
23 military and the military itself, it affects
24 veterans who have been separated from military
25 service under the Don't Ask, Don't Tell policy.

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2 Since the policy was enacted in
3 1993, there have been some 14,000 servicemen and
4 women who have been separated from military
5 service because of their sexual orientation. Each
6 of these veterans suffers consequences as a result
7 of the discharge. Members of the service who have
8 been discharged after an administrative hearing
9 will receive either an honorable under honorable
10 conditions or other than honorable discharge.
11 Veterans [off mic] to fetch a benefit and
12 separation pay as well as a protection from
13 recruitment is directly affected by the type of
14 discharge they receive.

15 Even those discharged honorably are
16 affected. Each veteran's final paperwork will
17 state the reason for separation. Where the
18 discharge is the result of the Don't Ask, Don't
19 Tell policy, the form may say homosexual
20 admission, homosexual statement, homosexual act,
21 or homosexual conduct. Prospective employers can
22 ask to see this paperwork, which may impact the
23 veteran future employment option. Also veterans
24 who have been discharged because of their sexual
25 orientation are given an enlistment code that

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2 bears from either serving in any branch of the
3 military.

4 Last month, the United States
5 Senate Armed Service Committee and the House of
6 Representatives passed a compromise that would
7 allow a repeal of the Don't Ask policy. Once the
8 Pentagon review of the policy is completed in
9 December and the President, Defense Secretary
10 Robert Gates, and Admirable Mike Mullen certify
11 the agreement to end then the policy, it will now
12 go to the Senate and will be voted on later this
13 year. Now it is the time for the [off mic] to
14 consider and act on this [off mic] admission and I
15 look forward to discussing some of the
16 implications of this policy and service members
17 and veterans at today's hearing.

18 And I want to take the opportunity
19 also to thank each one of you here today and those
20 who are going to testify, and all my colleagues
21 and Madam Chair, thank you very much.

22 Now I want to call on my colleague,
23 Lew Fidler.

24 COUNCIL MEMBER FIDLER: Thank you,
25 Chairman Eugene, and I want to apologize to my

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2 colleagues and to everyone here that I,
3 unfortunately, have to leave before the hearing as
4 I have about 500 seniors who are sitting and
5 waiting for me at their annual concert that I
6 sponsor in Marine Park, it started at 1 o'clock.

7 I did want to say, however, before
8 I left, I know the Veterans Committee will not be
9 voting on this resolution today, but I just wanted
10 to indicate my [off mic] yeah--my full support for
11 it, and I hope that Congress will see the wisdom
12 of changing this ridiculous policy which only
13 permits you to lay your life on the line for your
14 country if you deny who you are, I can't think of
15 anything more un-American than that. So I
16 apologize again, and I look forward to being able
17 to vote on this resolution on the floor.

18 CHAIRPERSON EUGENE: Thank you very
19 much, Lew.

20 CHAIRPERSON ROSE: Now Council
21 Member Vann Bramer?

22 COUNCIL MEMBER VAN BRAMER: Thank
23 you very much. I would first like to thank as the
24 prime sponsor of this resolution Councilwoman Rose
25 and Council Member Eugene, the Chairs, for

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2 allowing a speedy hearing of this resolution.

3 This is June, it is pride month and
4 what better month then to weigh in on one of the
5 civil rights issues of the day. We all know that
6 there are tens of thousands, if not hundreds of
7 thousands, of brave men and women serving their
8 country today all over the world proudly and
9 boldly and they happen to be gay, lesbian,
10 bisexual, or transgendered and any policy that
11 allows them to serve but forbids them to speak
12 honestly and openly about who they are is
13 misguided and it is discriminatory. It has gone
14 on for far too long, 16, 17 years with witch hunts
15 that drive good, honest, brave people out of the
16 military. It's wrong and it's tragic and we have
17 to take a stand against these tragedies from
18 continuing on.

19 And thankfully our President has
20 signaled his support for the end of Don't Ask,
21 Don't Tell, Congress has taken a vote in support
22 of ending this, the Senate we hope will do so
23 within the next month or so, and then finally this
24 policy, which codifies discrimination in our armed
25 services, will end and we can respect the

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2 contributions that have been made for hundreds of
3 years by LGBT members of the armed services, that
4 are continuing to be made and we can begin to
5 repair some of the damage that has been done to
6 the 14,000 brave men and women who have been
7 hounded from the service and subject to awful,
8 awful trials and awful tribulations and removing
9 them from the military--not because they were bad
10 soldiers, but because they happened to be gay,
11 lesbian, bisexual, or transgendered.

12 So I just want to say this is great
13 that we're having this hearing. I'm grateful to
14 the cosponsors and to our Chairs and I look
15 forward to the testimony today. Thank you very
16 much.

17 CHAIRPERSON ROSE: Thank you,
18 Council Member Van Bramer. I would like to open
19 the vote now and we'll leave it open.

20 CHAIRPERSON EUGENE: [Off mic]
21 civil right--

22 CHAIRPERSON ROSE: [Interposing]
23 I'm sorry, I'd like to open the vote for the Civil
24 Rights Committee.

25 CHAIRPERSON EUGENE: Civil Rights--

2 [Crosstalk]

3 [Off mic]

4 ERIC STEVENSON: Good afternoon,
5 Eric Stevenson, Committee Clerk, Committee on
6 Civil Rights.

7 ERIC STEVENSON: Councilwoman Rose.

8 CHAIRPERSON ROSE: Aye.

9 ERIC STEVENSON: Councilwoman Chin.

10 COUNCIL MEMBER CHIN: Aye.

11 ERIC STEVENSON: Councilman Van
12 Bramer.

13 COUNCIL MEMBER VAN BRAMER: Aye.

14 ERIC STEVENSON: Okay. Vote stands
15 at three in the affirmative, no negative, no
16 abstention, the motion carries.

17 CHAIRPERSON ROSE: Thank you so
18 much. We will now begin the testimony with Denny
19 Meyer from the American Veterans for Equal Rights,
20 and Christa Bosch from New York City Bar
21 Association.

22 CHAIRPERSON EUGENE: Thank you
23 much.

24 CHAIRPERSON ROSE: Would you state
25 your name for the record, please?

2 DENNY MEYER: I'm Denny Meyer,
3 President of American Veterans for Equal Rights,
4 New York, Public Affairs Officer of American
5 Veterans for Equal Rights.

6 CHRISTA BOSCH: My name is Christa
7 Bosch, I am a member of the Lesbian, Gay,
8 Bisexual, Transgender Rights Committee at the New
9 York City Bar Association.

10 CHAIRPERSON ROSE: Thank you, you
11 can begin.

12 DENNY MEYER: I'd like to thank the
13 Council Members for introducing this resolution to
14 continue New York City's advocacy to end
15 discrimination in our American Armed Forces so
16 that patriotic Americans may choose to serve in
17 our nation's Armed Forces openly, in pride,
18 regardless of sexual orientation. Just briefly,
19 by way of introduction, I'm a first-generation
20 American, my parents were Holocaust refugees and,
21 despite being gay in 1968, I volunteered to join
22 our Armed Forces in order to pay my country back
23 for our family's freedom.

24 This resolution will be a third
25 such in the New York City Council. In 2005, at

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2 the urging of American Veterans for Equal Rights,
3 over a 15 month grass-roots effort--and thanks to
4 the efforts of Council Member Alan Gerson and
5 then-Council Speaker Giff Miller--the full Council
6 voted overwhelmingly to pass the nation's first
7 such Don't Ask, Don't Tell repeal resolution
8 urging Congress to repeal the DADT law. That
9 resolution of the New York City Council was copied
10 in cities across America over the last five years
11 and by the state of California. A similar
12 resolution was introduced by Senator Duane in
13 Albany several years ago, which has not yet been
14 acted on.

15 The second New York City Council
16 resolution on this matter introduced in 2008 by
17 Speaker Quinn directly urged the New York City
18 congressional delegation to support the Military
19 Readiness Enhancement Act. The Military Readiness
20 Enhancement Act would not only have repealed the
21 1994 Don't Ask, Don't Tell law, but also would
22 direct the Pentagon to end discrimination against
23 sexual minorities in our Armed Forces and direct
24 the Pentagon to allow open service by lesbian,
25 gay, and bisexual service members. It should be

1
2 noted that, despite the inclusiveness of this and
3 previous New York City Council resolutions on this
4 matter, transgender American patriots have never
5 been included in any congressional legislation
6 regarding service in our Armed Forces. The 1994
7 Don't Ask, Don't Tell law in Congress did not
8 mention transgender service, the Military
9 Readiness Enhancement Act does not include it
10 their service, and the current amendment in
11 Congress to the 2011 Defense Authorization Act
12 under consideration currently does not make any
13 mention of gender identity nor transgender
14 service.

15 Transgender service members
16 continue to be considered medically unfit for
17 service before, during, and after the Don't Ask,
18 Don't Tell law, and they continue to be medically
19 discharged with prejudice. This is despite the
20 fact that many of our Allied countries,
21 transgender people have been included in service
22 since 1993, including the toughest fighting force
23 on earth--Israel.

24 It's also most important to note
25 that although this resolution refers to the

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2 current amendment to the 2011 Defense
3 Authorization Act as repealing Don't Ask, Don't
4 Tell and allowing open service by LGBT service
5 members, the amendment doesn't actually do that.
6 Unlike the Military Readiness Enhancement Act, the
7 amendment under consideration in Congress would
8 only repeal the 1994 congressional Don't Ask,
9 Don't Tell law, but not require an end to
10 discrimination in our Armed Forces. It does not
11 require an end to discharging of gay service
12 members, it does not require allowing open
13 service. The amendment approved in the votes on
14 May 27th in the House and in the Senate Armed
15 Service Committee states that 60 days after the
16 Pentagon study regarding gay service is completed,
17 the President, Secretary of Defense, and Chairman
18 of the Joint Chiefs may sign off certifying that
19 the study concludes that open gay service would
20 not harm our military readiness. Those signatures
21 would, according to the amendment, repeal the 1994
22 congressional DADT law, but the repeal, in
23 accordance with this amendment, would not require
24 the Pentagon to allow open service, it would
25 simply allow the Pentagon to decide at any future

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2 time to change its own policy to allow open gay
3 service.

4 The current Pentagon policy remains
5 in effect currently and after the signatures.
6 Homosexuality is still regarded as incompatible
7 with military service, homosexuals continue to be
8 discharged. At this very moment, Lieutenant Dan
9 Choi remains under the threat of being discharged,
10 Lieutenant Robin Chairiasa [phonetic], also in the
11 Air Force, is under the threat of discharge, and
12 hopefully the military will not discharge them,
13 but they'll probably be discharged before next
14 January or February when the Pentagon may decide
15 to change its policy, but this is the trust me
16 part of the current legislation. The amendment
17 was a compromise because not enough votes could be
18 gotten to fully repeal Don't Ask, Don't Tell with
19 the requirement that the Pentagon policy be
20 changed to a nondiscrimination policy and actually
21 allow open gay service.

22 American Veterans for Equal Rights
23 endorses the congressional amendment to the
24 National Defense Authorization Act because it's a
25 step in the right direction. The repeal of the

1994 law would remove the Congressional legal requirement that known homosexuals must be discharged. However, it should be clear that it's far from certain that the Pentagon, again on its own, would decide to change its policy and implement a policy of nondiscrimination allowing open service by lesbian and gay patriotic volunteers, hence, continued advocacy is urged. AVER endorses this City Council resolution particularly because of its inclusiveness and applied demand for a complete policy change. Thank you.

CHAIRPERSON ROSE: Thank you.

Thank you for your testimony, and thank you for coming to the rally earlier.

DENNY MEYER: Thank you.

CHAIRPERSON ROSE: Before we have your testimony, I'd like to open up the vote for Council Member Ferreras. How do you vote on this? Go ahead.

COUNCIL MEMBER FERRERAS: I vote aye, thank you.

ERIC STEVENSON: Vote now stands at four in the affirmative, no negative, no

1 abstention.

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3 CHAIRPERSON ROSE: Thank you. Ms.
4 Bosch?

5 CHRISTA BOSCH: Hello, my name is
6 Christa Bosch and I am a member of the Lesbian,
7 Gay, Bisexual, Transgender Rights Committee of the
8 Association of the Bar of the City of New York.
9 On behalf of the city Bar, the Committee voices
10 its support for the City Council's resolution
11 urging Congress to pass the 2011 Defense
12 Authorization Act that would repeal the United
13 States military's ban on open service by lesbian,
14 gay, or bisexual individuals known colloquially as
15 Don't Ask, Don't Tell. This discriminatory policy
16 has denied numerous LGB individuals the
17 opportunity to serve their country while denying
18 the military the benefit of their talents and
19 skills. Don't Ask, Don't Tell is both legally
20 unsupportable and unsound as a matter of policy.

21 Attached to my testimony is the
22 full report sent by the Committee, as well as the
23 city Bar's Committee on Military Affairs and
24 Justice and the Committee on Civil Rights to the
25 Senate Armed Services Committee, which I will now

1 summarize that details our support of the repeal.
2 I will discuss three points: first, that LGB
3 service members are subjected to harsh penalties
4 not faced by their heterosexual counterparts;
5 second, that the arguments supporting Don't Ask,
6 Don't Tell are not supported by the facts; and
7 third, that Don't Ask, Don't Tell is incompatible
8 with constitutional values.
9

10 Despite the popular name given to
11 the policy, in fact, there is nothing in the
12 statute itself that prohibits the military from
13 questioning service members about their sexual
14 orientation. Limitations are found in the
15 Department of Defense's implementing regulations,
16 but, in accordance with the statute, those
17 regulations provide for inquiry into what would
18 otherwise be lawful private conduct allowed for
19 heterosexual service members. Accordingly,
20 although the public may perceive Don't Ask, Don't
21 Tell as a policy that permits LGB individuals to
22 serve so long as they are discreet as to their
23 sexuality, as a matter practice, Don't Ask, Don't
24 Tell imposes restrictions on the private lives of
25 homosexual service members beyond those imposed on

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2 all other service members.

3 Because Don't Ask, Don't Tell
4 applies at all times, whether on base or off, the
5 estimated 66,000 LGB people serving in the U.S.
6 military are subject to restrictive limitations in
7 their civilian life. For example, a service
8 member who turns to the civilian police in
9 situations of domestic violence or bias attacks
10 risks discharge if he or she has to admit to legal
11 homosexual conduct to make the report. Entering
12 into same-sex marriage, civil or domestic
13 partnership, or simply obtaining domestic partner
14 benefits under private insurance puts the service
15 member at risk for discharge. Same-sex partners
16 cannot be listed as primary next of kin to be
17 notified if the service member is killed, missing,
18 or wounded in action, nor will the military
19 provide benefits for same-sex partners.

20 Defenders of Don't Ask, Don't Tell
21 argue that allowing LGB service members to serve
22 openly would wreak havoc on unit cohesion,
23 recruitment and retention, and battle readiness.
24 However, recent studies demonstrate that these
25 fears are unfounded. Whatever arguments might

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2 have been made in 1993 regarding the necessity for
3 Don't Ask, Don't Tell, the sea change in public
4 perceptions and military culture regarding
5 homosexuality that has taken place in the
6 intervening 17 years has largely negated the
7 perceived basis for a ban on open military service
8 by LGB individuals.

9 In 2008, 104 generals and admirals
10 called for the repeal of Don't Ask, Don't Tell,
11 including some of those who supported the policy
12 at the time it was initially adopted. On June
13 2nd, 2010, Joint Chiefs of Staff Admiral Mike
14 Mullen stated that the services will adapt to open
15 service. Referring to Don't Ask, Don't Tell, he
16 added, quote, I am hard-pressed to support a
17 policy and a law that forces people to come and
18 lie every day. A 2006 survey by Zogby
19 International of current and recent military
20 personnel serving in Afghanistan and Iraq found
21 that two-thirds of service members who knew that a
22 member of their unit was gay did not believe the
23 presence of an LGB individual adversely impacted
24 their unit's morale. Moreover, 78% of those
25 polled stated they would join the military

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2 regardless of whether gay and lesbian service
3 members could serve openly.

4 The experiences of foreign
5 militaries that have lifted bans on open service
6 by LGB individuals also rebuts the contention that
7 integration would decrease military effectiveness.
8 Twenty-four nations allow LGB individuals to serve
9 openly in the military, including 22 nations with
10 troops serving alongside our military in Iraq and
11 Afghanistan. Studies examining the impact of
12 integration on those militaries shows that open
13 service does not undermine military performance,
14 unit cohesion, and military readiness, nor has it
15 increased difficulties in recruitment and
16 retention.

17 The constitutionality of Don't Ask,
18 Don't Tell has also been called into question by
19 the seminal Supreme Court case of Lawrence v.
20 Texas in which the Supreme Court recognized a
21 fundamental constitutional right guaranteed by the
22 due process clause of the Fourteenth Amendment for
23 adults to engage in private, consensual homosexual
24 conduct. Don't Ask, Don't Tell's codified
25 discrimination against service members who engage

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2 in homosexual conduct represents a direct
3 abridgment of LGB service members' protected
4 liberty interest in pursuing private intimate
5 relationships with consenting adults of their
6 choice. While the military setting undoubtedly
7 often dictates the need for less privacy than in
8 civilian life, because Don't Ask, Don't Tell
9 operates where there is no similar restriction on
10 private intimate relationships for non-LGB service
11 members, Don't Ask, Don't Tell cannot be justified
12 by military need. The conduct between--I'm sorry,
13 the conflict between Don't Ask, Don't Tell and the
14 holding of Lawrence has been recognized in recent
15 court decisions including a recent Ninth Circuit
16 decision.

17 Moreover, Don't Ask, Don't Tell is
18 not compatible with our constitutional guarantee
19 of equal protection under the law. Don't Ask,
20 Don't Tell singles out one group, LGB service
21 members, for statutory strictures not imposed on
22 any other group. The Supreme Court has explained
23 that laws singling out LGB individuals for
24 stricter legal treatment quote, raises the
25 inevitable inference that the disadvantage imposed

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2 is born of animosity towards the class of persons
3 affected.

4 Furthermore, the amendment to the--
5 though the amendment to the 2011 Defense
6 Authorization Act does not contain a
7 nondiscrimination mandate, the Committee urges
8 Congress to adopt a policy of nondiscrimination so
9 that LGB individuals can serve openly without fear
10 of discrimination. Without the incorporation of a
11 nondiscrimination mandate, LGB service members'
12 open service could be undermined by unproscribed
13 acts of discrimination.

14 To conclude, the committee supports
15 the City Council's resolution that the Pentagon,
16 Congress, and President Obama heed the call of
17 members of Congress, military leaders, active and
18 discharged service members, and the growing chorus
19 of the public to repeal Don't Ask, Don't Tell and
20 to replace it with a policy of nondiscrimination.
21 This is not only critical to the lives and
22 dignities of LGB individuals in the Armed Forces
23 and their families, but also imperative to
24 returning our Armed Forces to their fullest and
25 most able capacity. Thank you.

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2 CHAIRPERSON ROSE: Thank you. I'll
3 now open up with a few questions. Oh, and before
4 I do that, I want to recognize Council Member
5 Dromm. Thank you.

6 Approximately how many soldiers
7 from New York State and New York City have been
8 discharged under Don't Ask, Don't Tell, would you
9 know?

10 DENNY MEYER: I don't have that
11 figure, I do know that there are an estimated 1.4
12 million living gay and lesbian service members,
13 and 17,000 in the New York metropolitan region,
14 veterans. How many in the New York area who have
15 been discharged, I don't have that number.

16 CHAIRPERSON ROSE: Thank you. The
17 proponents of Don't Ask, Don't Tell argue that gay
18 service members serve openly in the military--
19 wait, argued that gay service members serve openly
20 in the military will create an unacceptable risk
21 to the high standards of morale, good order and
22 discipline, and unit cohesion that are the essence
23 of military capability. Would you agree that
24 there should be--at what level of disclosure, if
25 any, that an individual should disclose their

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2 sexual orientation? Let me do it again because I
3 know I confused myself.

4 DENNY MEYER: It's all right.

5 CHAIRPERSON ROSE: What degree of
6 disclosure, if any, of a homosexual orientation is
7 permissible under Don't Ask, Don't Tell?

8 DENNY MEYER: Let me answer that
9 two ways. Opponents, people have never served in
10 the military and people who are just prejudiced
11 and bigots will always be heard saying, why do you
12 have to flaunt it, why do you have to announce to
13 everybody that you're gay? And if you're gay and
14 you're in the military, you hear heterosexuals
15 flaunting their heterosexuality day and night,
16 offensively, offending women because they think
17 they have--men have the God-given right to say
18 crude things about women day and night, crude
19 things about minorities--and believe me, I served
20 for 10 years and I heard it all.

21 So you talk about flaunting--look,
22 to answer the question the other way, in today's
23 military, the young people serving today could
24 care less if the guy next to them is gay. They
25 want to know if he can shoot, they want to know if

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2 he's going to pull you out of a burning Humvee and
3 if you believe in Semper Fi and if you've got the
4 guts to pull the guy out and save his life, and
5 they do. These young people serving today went to
6 junior high school and high school with gay
7 friends, they see gay people on TV, they don't
8 care at all, they really don't.

9 The policy is the harm to unit
10 morale because in every unit there's a loser or
11 two who doesn't like serving with people of
12 another race, who doesn't like serving with people
13 of another religion, who doesn't like serving with
14 women because he can't respect them, and who
15 certainly doesn't like serving with gay people.
16 And that person has the power under the policy to
17 report the gay person that everybody knows in the
18 unit, 'cause people are serving openly in their
19 units and nobody cares, and he reports that
20 person, and then the officers have to remove that
21 person. And that hurts unit morale because the
22 favored comrade is forced to be discharged and the
23 loser gets to stay.

24 The policy change will turn that
25 around because discrimination of any kind will be

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2 prohibited. So I hope that sort of answers the
3 question.

4 CHAIRPERSON ROSE: Is there any
5 level of that they can show that is permissible
6 under Don't Ask, Don't Tell that they have a
7 different sexual orientation?

8 CHRISTA BOSCH: For an individual
9 service member.

10 [Crosstalk]

11 CHRISTA BOSCH: The Committee
12 believes that that is a choice that the individual
13 service member should be able to make for him or
14 herself, that to what level they want to inform
15 their colleagues of the fact that they are LGB
16 should be the individual service member's choice.

17 CHAIRPERSON ROSE: Approximately
18 how many LGBT soldiers do you estimate are
19 currently serving in the Army?

20 DENNY MEYER: Gary Gates, a
21 statistician for the Williams Institute and the
22 Urban Institute, back in 2006, he's the one that
23 comes up with all the numbers, he estimated that
24 there were 69,000 or 79,000 active serving gay and
25 lesbian service members currently. And that was

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2 in 2006, we expect it's relatively the same, maybe
3 a little bit more. As I said, there are over a
4 million living gay and lesbian veterans. None of
5 those figures include transgender because there
6 wasn't census to use. I also represent
7 Transgender American Veterans Association, and we
8 estimate, but it's purely a guess that there are
9 approximately 300,000 living transgender veterans
10 in addition.

11 CHAIRPERSON ROSE: Other countries
12 have included LGBT soldiers in their army, is
13 there any evidence that there's been any problems
14 in terms of unit cohesion?

15 DENNY MEYER: There have been two
16 international conferences held in Washington, DC,
17 the Palm Center, the Michael Palm Center, formerly
18 the Center for Study of Sexual Minorities in the
19 Military, has studied this extensively. There has
20 never been any problem whatsoever in any of the
21 foreign militaries including Israel, Great
22 Britain, Australia, all of our European allies,
23 there just haven't been any problems, in fact, it
24 was a non-issue. Nothing's happened. The
25 predictions by opponents that people would start

1
2 resigning just didn't happen.

3 CHRISTA BOSCH: If you refer to
4 footnote 17 of the report that the Committee
5 submitted to the Senate Armed Services Committee,
6 we cite several of the studies that have shown
7 that there have been no adverse effects to other
8 countries' militaries that have allowed for open
9 service.

10 CHAIRPERSON ROSE: And do you know
11 of any incidents that might have happened with
12 United States soldiers working side by side with
13 some of our Allied troops who have soldiers who
14 are LGBT?

15 DENNY MEYER: Yes, my good friend
16 Chief Petty Officer Stuart O'Brien of the
17 Australian Defense Forces served two tours
18 voluntarily in Baghdad for Australia, serving
19 within the U.S. headquarters in Baghdad. Gay
20 American service members came quietly just to be
21 able to talk to him 'cause he could serve openly.
22 So he received--oh, I forgot the medal that he
23 received, but the commandant of the American
24 forces in Iraq gave him a medal for his service
25 coordinating Australian service members in the

1
2 service in Iraq.

3 So other than that, we have plenty
4 of anecdotal evidence that in the communication
5 centers in Baghdad and in Afghanistan where
6 soldiers get to call home, you've got British
7 officers calling their boyfriends openly, sitting
8 next to Americans who have to still play stupid
9 games and change the gender of their partner and
10 look over their shoulder to see if anybody is
11 paying attention.

12 CHAIRPERSON ROSE: Have they ever
13 suffered any retaliation from American soldiers
14 that were not--

15 DENNY MEYER: [Interposing] Our
16 Allies who are gay and lesbian?

17 CHAIRPERSON ROSE: Mm-hmm.

18 DENNY MEYER: I haven't heard of
19 any incidents like that at all. In fact, all
20 reports, again, I think by the Palm Center are
21 that they work very closely with our partners
22 because our service members over there, the people
23 doing the work, the young people, including our
24 officers, could care less about this. These are
25 all professionals doing a very difficult job,

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2 risking their lives, and they don't care what
3 somebody does at home.

4 CHAIRPERSON ROSE: Right.

5 DENNY MEYER: They're over there
6 sacrificing.

7 CHAIRPERSON ROSE: I noticed in
8 your testimony that you left out of transgendered,
9 and I was going to ask have there been any--what
10 are the experiences of the transgendered soldiers
11 in the service?

12 CHRISTA BOSCH: Well we purposely
13 did not include transgendered individuals in our
14 report because the Don't Ask, Don't Tell
15 regulations do not include transgendered
16 individuals, they have never been targeted
17 transgendered individuals so that was a very
18 conscious choice to leave the T out of the LGBT.

19 CHAIRPERSON ROSE: So does that in
20 fact mean even with our resolution and the one
21 that's pending now that transgendered individuals
22 are not considered in this--

23 CHRISTA BOSCH: [Interposing] As
24 far as I am aware.

25 DENNY MEYER: That's right, as I

1 testified, transgender service members were left
2 out of the law in 1994, they were left out of the
3 Military Readiness Enhancement Act, and then left
4 out of the current amendment, they're not
5 mentioned, they're still considered medically
6 unfit and they've always been--they've been
7 mistakenly discharged under Don't Ask, Don't Tell,
8 but more often as medically unfit. That is the
9 last frontier in this country, whereas in other
10 countries, they immediately were included in being
11 allowed to serve. As I have said in many speeches
12 when people ask questions about transgender
13 service, like, well how can you have that, I have
14 said well, despite heterosexual fantasies, in the
15 combat zone, transgender people do not walk around
16 in a sequin dress and high heels, they wear combat
17 gear just like anybody else and they know how to
18 lock and load a 50 mm cannon and they know how to
19 fire it. We have transgender veterans who've
20 served on submarines, who have been intelligence
21 officers, who have been combat engineers, there's
22 absolutely no difference.

24 CHAIRPERSON ROSE: Will anyone be
25 advocating for them for inclusion in the

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regulations or the laws?

DENNY MEYER: Sadly, that hasn't happened. The Washington, DC, inside the Beltway groups have not seen fit to do that because it's considered poison in this country, why, I don't know. In Canada they included transgender people, in Israel, in England, even Australia. That's something like--and other things of well we'll get to that later, don't hold your breath.

CHAIRPERSON ROSE: And my last question and then I'll open it up to the rest of my Council Members, has there been any significant documentation in terms of anti-LGBT harassment in military units?

CHRISTA BOSCH: I'll let you answer that first. I believe if you refer to the Service Members Legal Defense Network, Palm Center also, they have studies dealing with LGBT issues in the military. I don't have specific cites to--

CHAIRPERSON ROSE: [Interposing] Do you think if they served openly as gay soldiers, do you think harassment would increase or decrease?

DENNY MEYER: They're serving

1
2 openly now in their units, nobody cares. It would
3 decrease any that exist because the new
4 regulations would prohibit, if they do anything
5 like they did in Canada and other countries,
6 absolutely prohibit any sort of discrimination.
7 Look, when I served back in 1968 to '78 for 10
8 years, if I came out to somebody in the Navy, and
9 later in the Army, I would have been killed, I
10 would have been murdered and people have been
11 murdered. Today it's very, very different, young
12 people do not care. They would get very angry at
13 me and say why did you keep this a secret, or why
14 were you making up who you were going out with
15 'cause that's what happening to young people
16 today, I talk to a lot of them who are serving, I
17 mentor active duty service members who are gay.
18 The only irritation is why did you think you
19 couldn't tell us. And that should change. Look,
20 military service isn't for everybody, you don't
21 have a lot of people volunteering these days. So
22 those who are so inclined are not necessarily out
23 to flaunt. It's just going to be a natural thing
24 of what did you do this weekend, well I went out
25 with my boyfriend.

2 CHRISTA BOSCH: To be clear--

3 CHAIRPERSON ROSE: Thank you.

4 CHRISTA BOSCH: --the 2011 Defense
5 Authorization Act does not include a
6 nondiscrimination mandate. There are arguments
7 that federal laws protecting federal employees
8 from discrimination based on sexual orientation
9 would apply to the military, but the Committee
10 believes that it would be more prudent for a
11 specific nondiscrimination clause to be written
12 into this act because if LGBT service members
13 cannot serve openly without fear of bias attacks,
14 it really undermines the whole repeal.

15 CHAIRPERSON ROSE: Thank you so
16 much. And I'd like to recognize Council Member
17 Seabrook. And are there any questions? Oh,
18 Council--

19 CHAIRPERSON EUGENE: Yes.

20 CHAIRPERSON ROSE: Oh, I'm sorry.

21 CHAIRPERSON EUGENE: That's okay.
22 Thank you very much, Madam Chair. And, Ms. Bosch?

23 CHRISTA BOSCH: Yes.

24 CHAIRPERSON EUGENE: In your
25 testimony, you said that, I'm reading, I will

1
2 discuss three points, first, that LGB service
3 members are subject to harsh penalties. Could you
4 give us some more information, could you talk a
5 little bit more about the penalties that the LGB
6 service members are facing?

7 CHRISTA BOSCH: Sure, LGB service
8 members are subject to penalties--let me just....
9 They can be subject to military criminal
10 penalties, for example, for failure to report the
11 adoption of a child with their same-sex partner.
12 Also discharge under Don't Ask, Don't Tell can
13 impact the benefits of service members, the
14 benefits that service members receive following
15 discharge, if they are discharged characterization
16 is improperly lowered, they could have their
17 benefits put at risk, including their G.I.
18 education benefits, and they may no longer be
19 eligible for separation pay. There are also
20 certain criminal penalties that could be applied
21 in instances of fraternization. I think for more
22 information on that, I would recommend referring
23 to the Service Members Legal Defense Network, I
24 think their information on that is quite
25 extensive.

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2 CHAIRPERSON EUGENE: Those
3 penalties, are the other [off mic] the other
4 heterosexual members, are they facing the same
5 penalties or only the LGB?

6 CHRISTA BOSCH: No, the
7 heterosexual service member doesn't have to worry
8 about being discharged from the army if they have
9 a same-sex partner. If they decide to--I'm sorry,
10 because of their partner's gender, they don't have
11 to worry about whether or not they sign up for
12 insurance benefits with their partner if they
13 could be discharged from the military.

14 Because Don't Ask, Don't Tell
15 applies both on-base and off, any activities being
16 taken in their private lives outside of the roles
17 that they're doing while serving are also subject
18 to penalties under Don't Ask, Don't Tell.

19 CHAIRPERSON EUGENE: In what ways
20 will current veterans be affected from the
21 reversal of the policy, if any?

22 DENNY MEYER: Veterans?

23 CHAIRPERSON EUGENE: Yes.

24 DENNY MEYER: Very little, I mean,
25 I served almost 40 years ago. The only thing that

1
2 would affect veterans, mainly those who served
3 previously, is those who were discharged even
4 before Don't Ask, Don't Tell who were dishonorably
5 discharged. At least under the Military Readiness
6 Enhancement Act, which of course is in hiatus, had
7 that passed, included in that would be an
8 automatic review of those discharges to upgrade
9 them.

10 The current amendment repealing
11 Don't Ask, Don't Tell, of course, doesn't mention
12 that, it doesn't mention anything, it's a very
13 brief piece of legislation which simply repeals
14 Don't Ask, Don't Tell. They did manage to include
15 that partner benefits are not required. So the
16 way the law is written right now, this amendment,
17 it really wouldn't affect veterans at all. That
18 would have to be a demand to be brought back in
19 from the Military Readiness Enhancement Act to
20 review prior discharges that were less than
21 honorable.

22 To answer your other question
23 earlier, what would affect current people is that
24 officer cadets in the service academies who come
25 out then they have to be discharged and then they

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2 owe up to \$100,000 for their education and that's
3 happened a number of times.

4 CHAIRPERSON EUGENE: Well let me
5 ask, if they are separated under the Don't Ask,
6 Don't Tell policy, would they be able to obtain
7 the benefits that they may have been previously
8 denied?

9 DENNY MEYER: Current people? It
10 really depends on how long you served, it gets
11 kind of tricky, the current laws about what
12 benefits you get, it depends how long you served.
13 If you get kicked out of boot camp or something
14 like that, you're not entitled to anything, but if
15 you served a number of years--nowadays, if you're
16 discharged you generally get an honorable
17 discharge and you're still entitled to most of
18 your benefits depending on how long you served.

19 CHAIRPERSON EUGENE: When a service
20 member is discharged dishonorably or
21 administratively non-punitively under the policy,
22 are their benefits different than those who are
23 discharged non-punitively but not because of the
24 policy?

25 DENNY MEYER: That's kind of a deep

1
2 legal matter. I'm not sure, it really depends. I
3 mean, look, if you're discharged for some other
4 reason less than honorably, you could lose your
5 benefits as well, and if you're discharged less
6 than honorably for being gay, you might lose your
7 benefits. A new policy since 1994 has actually
8 been a bit more liberal on that, that people can
9 retain their benefits. I mean, if you're kicked
10 out for using drugs or something like that and
11 you've got a dishonorable discharge, then you're
12 disqualified for most of your benefits.

13 So I don't know that there would be
14 that much difference really as far as that goes.
15 Other than the fact that gay people are treated as
16 criminals when they're discharged when they're
17 not.

18 CHAIRPERSON EUGENE: Those are all
19 my questions for now, I don't know if my
20 colleagues have questions.

21 CHAIRPERSON ROSE: Council Member
22 Cabrera.

23 COUNCIL MEMBER CABRERA: Thank you
24 to both Chairs, I just have a couple of questions.
25 If once this policy of Don't Ask, Don't Tell is

1
2 repealed, with soldiers that were discharged,
3 would they be allowed to come back in?

4 DENNY MEYER: Under the Military
5 Readiness Enhancement Act, which has not been
6 voted on, that would be included. If they're
7 otherwise eligible agewise and physical and wanted
8 to come back, they could. This amendment doesn't
9 say anything about that, theoretically, they'd be
10 able to come back. By the way, I wanted to
11 introduce our vice president, Claude Ashby, who's
12 seated over there with American Veterans for Equal
13 Rights.

14 COUNCIL MEMBER CABRERA: Welcome.

15 DENNY MEYER: So the current
16 amendment doesn't--it leaves out a great deal,
17 it's all trust me.

18 COUNCIL MEMBER CABRERA: And also
19 in your testimony, you mentioned that 78% of those
20 polled stated that they would join the military
21 regardless of whether gay or lesbian service
22 member could serve openly, I'm concerned about the
23 other 22%. What impact that would have on the
24 military if these numbers were correct? In light
25 of the fact what I heard earlier that not a lot of

1
2 people were volunteering during these days.

3 CHRISTA BOSCH: Well I think that
4 that statistic speaks more to the fact that the
5 majority of--the overwhelming majority don't
6 believe that LGB service would have any effect.
7 For those who truly cannot serve in the military
8 because someone in their unit may be an LGB
9 individual, then, yes, that would be an issue.
10 But I think, looking at other countries that have
11 listed this ban and the fact that they have not
12 had the attrition rates that could be--I mean that
13 they haven't lost service members due to LGB
14 service.

15 COUNCIL MEMBER CABRERA: Were the
16 studies conducted in those countries the same
17 study--not attrition, I'm talking about
18 recruitment--

19 CHRISTA BOSCH: Recruitment.

20 COUNCIL MEMBER CABRERA: --were
21 these studies done in those countries regarding
22 recruitment? Maybe they were, maybe they weren't,
23 I mean I'm just trying to compare apples to
24 apples.

25 CHRISTA BOSCH: I'd have to look at

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2 the studies themselves but they are cited in the
3 full report. In footnote 17, there is a study on
4 the Canadian military, one on the Australian
5 forces, and one on the British Armed Forces that
6 have shown that it--yeah, I don't have it, I can
7 check for you--

8 COUNCIL MEMBER CABRERA: That would
9 be great.

10 CHRISTA BOSCH: --to see whether it
11 specifically deals with recruitment.

12 COUNCIL MEMBER CABRERA: The last
13 question I had was, and this while [off mic]
14 watching TV, so please help me out, the Department
15 of Defense, a lot of people in Department of
16 Defense, according to what I see in the news,
17 they're asking to wait until the Pentagon review
18 comes out, I believe it's in November. Why not
19 wait until--what would you say to people who are
20 asking, why not wait until November?

21 DENNY MEYER: The first RAND study
22 was conducted at great expense to the United
23 States government back in 1993 and they concluded
24 back then that there'd be absolutely no effect on
25 our Armed Forces. There was a prior study

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2 conducted at great expense in 1959 by the
3 military, which even then, back in the Stone Age,
4 concluded that there was no security risk, which
5 was the original bogeyman and fear, and would be
6 no problem. There's been no study that's ever,
7 you know, other than by crackpot religious
8 opponents, that's ever concluded--and those
9 crackpot ones are all speculation--actual studies,
10 they've never found that there would ever be a
11 problem in any region of concern, whatsoever.

12 CHRISTA BOSCH: Also, the current
13 provision amendment to the Defense Authorization
14 Act specifically states that they will wait for
15 the Pentagon's appraisal to come out in November
16 or December before taking any action.

17 COUNCIL MEMBER CABRERA: So just so
18 I can understand, if the brass, people in charge
19 in Department of Defense, if they were to look at
20 this report and they said well, I don't think it's
21 a good idea that we should repeal it, what would
22 happen at that point?

23 DENNY MEYER: At that point,
24 Congress, by virtue of this current amendment,
25 would be able to go, well we tried and then we can

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2 wait another 10 years., that's the effect. And
3 everybody can say, well we're off the hook now,
4 and our Allies will continue to lead by allowing
5 everybody to serve equally.

6 COUNCIL MEMBER CABRERA: So what
7 I'm hearing is that the power decision-making
8 ultimately is in the DOD? Or is it in the
9 president?

10 DENNY MEYER: Well the study that's
11 being conducted is being conducted by the
12 Department of Defense.

13 COUNCIL MEMBER CABRERA: Right.

14 DENNY MEYER: From what I
15 understand they're trying to conduct that quite
16 fairly. The report is due around December 1st,
17 then within 60 days, the President, Secretary of
18 Defense Gates, and Chairman of the Joint Chiefs
19 Mullen can read that report and certify that it
20 says there's no harm, and then they repeal that
21 law. As I said, that doesn't cause the Pentagon
22 to do anything, but supposedly the promise is then
23 they'll change the policy. But nothing happens
24 until December, nothing happens until those three
25 gentlemen decide to sign or not sign. It's a very

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strangely written law.

COUNCIL MEMBER CABRERA: Yeah, it is. It's interesting. Thank you so much--

CHRISTA BOSCH: Thank you.

COUNCIL MEMBER CABRERA: --very informative.

CHAIRPERSON ROSE: Thank you, Council Member. Council Member Van Bramer, do you want to defer?

COUNCIL MEMBER VAN BRAMER: No, actually I just wanted to say a couple of things in response to the previous questioning. I think why now is because there is no time like the present to end discrimination in this country where ever and when ever it takes place. It is an abomination that for 17 years, lesbian and gay people have been harassed and intimidated and tossed from the military. That is a fundamentally wrong thing for this country to be practicing and to be engaged in. And if there are some people who would not like to serve in the military because there are gay and lesbian people, that is the shame, but it is an absolute disgrace that this country would sanction the absolute

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2 horribly damaging witch hunts that has been
3 engaged in, it is wrong. And that is why this
4 Council will vote tomorrow in favor of this
5 resolution, that is why our president has said
6 that he supports the end of Don't Ask, Don't Tell,
7 and at the end of this process, I believe we will
8 finally, after 17 years, end this horribly
9 discriminatory and unjust policy. I just wanted
10 to say that, thank you very much.

11 CHAIRPERSON ROSE: Thank you,
12 Council Member. And thank you, panelists.

13 CHRISTA BOSCH: Thank you.

14 CHAIRPERSON ROSE: We will call the
15 next panel, and that's Daniel Hendrick and Jenn
16 Hogg. And please state your name for the record.

17 DAN HENDRICK: Should begin?

18 CHAIRPERSON ROSE: Yes, please.

19 DAN HENDRICK: Okay, terrific.

20 CHAIRPERSON ROSE: State your name.

21 DAN HENDRICK: My name is Dan
22 Hendrick, I'm the--

23 JENN HOGG: My name is Jenn Hogg.

24 CHAIRPERSON ROSE: Okay. And who's
25 going to start?

1
2 DAN HENDRICK: I guess I'll start
3 first. First of all, good afternoon, Members of
4 both Committees, Madam Chair, Mr. Chairman, thank
5 you for allowing us to speak today.

6 Our first speakers, and I assume my
7 colleague right here, are going to address the
8 legal and statistical data that you all are
9 looking for which are very important to the
10 legislation that you're hearing today. What I'd
11 like to do is put a bit of a human face on this
12 issue.

13 To be perfectly candid, I had some
14 reservations about testifying before you all, I
15 see some friends on the other side of the dais
16 and, obviously, there's one Council Member in
17 particular up there who I know quite well. But
18 the importance of this issue of really the kind of
19 the fundamental question of human rights and human
20 dignity and, above all, and I know a lot of the
21 questions that focused on military readiness, what
22 I want to see above all is to have the military be
23 the most effective it can be.

24 I was discharged honorably from the
25 Navy in 1992, I was a linguist, a cryptologist,

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2 and so I learned languages to aid in our national
3 defense. I'm no saint and I'm certainly no kind
4 of military hero, but on a day-to-day basis that's
5 not really what the military needs. We need the
6 best and brightest service members who can perform
7 their jobs day in and day out with excellence,
8 commitment, and attention to detail, that's the
9 bottom line, that's what makes a strong military.
10 My military records will show that I was exactly
11 that kind of sailor, I consistently ranked number
12 one and number two in my unit in my specialty,
13 trained hard, went on complicated assignments,
14 worked long shifts, volunteered for the
15 communities where I was stationed. I earned many
16 awards for excellence, even for PT, which is
17 physical training, which the Navy isn't
18 necessarily known for, as my colleagues might
19 attest to.

20 But none of that matters, none of
21 that mattered when I was reported to my command
22 for being gay. There are many arguments to make
23 for ending the military's ban on openly gay and
24 lesbian service members, but if our national
25 interest is making the military as strong as it

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2 can be, there can be no doubt that we need the
3 most qualified people taking part.

4 This truth underscores the
5 absurdity of Don't Ask, Don't Tell. If you're gay
6 and lesbian and out, it does not matter how well
7 you work with everyone in your unit. If there's
8 just one person, just one person who is not
9 comfortable with your status, they can set in
10 motion an irreversible chain of events. If you
11 are gay and lesbian and out, it does not matter
12 how many hours or how many taxpayer dollars were
13 invested in your training. It does not matter how
14 well you can shoot, interpret, or fight for hearts
15 and minds on the streets of Kandahar or Baghdad.
16 It does not matter how many awards you got for
17 bravery, does not matter if you vote Democratic,
18 Republican, or if you're a Muslim, Jew, Christian,
19 or atheist. It does not matter how much you love
20 your country. If you are gay or lesbian and you
21 have integrity about who you are, you're not
22 welcome.

23 Don't Ask, Don't Tell benefits no
24 one, least of all our military's effectiveness.
25 I'm grateful and proud that you all are examining

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2 this policy with an eye toward improving our
3 nation and our military, and I'm very proud that
4 the man who I've spent my life with for the last
5 11 years, who has made fighting injustice and
6 helping the little guy his life's work. We'll be
7 doing something about it tomorrow. Thank you.

8 CHAIRPERSON ROSE: Thank you so
9 much. Before we have your testimony, I'd like to
10 open the vote up again for Council Member
11 Seabrook.

12 ERIC STEVENSON: Councilman
13 Seabrook.

14 COUNCIL MEMBER SEABROOK: May I
15 explain my vote, please?

16 CHAIRPERSON ROSE: Yes.

17 COUNCIL MEMBER SEABROOK: Thank you
18 very much, Madam Chair and Mr. Chair, for this,
19 and it's certainly something that I would hope
20 that we would pass overwhelmingly and
21 enthusiastically because it's truly a problem that
22 America has lived with too long and done too
23 little about. And so I vote most emphatically
24 aye.

25 ERIC STEVENSON: Vote now stands at

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2 five in the affirmative, no negative, no
3 abstentions, motion definitely carries.

4 CHAIRPERSON ROSE: Thank you so
5 much, thank you, Council Member. Okay, Jenn?

6 JENN HOGG: Thank you. Good
7 afternoon, members of the committees, my name is
8 Jennifer Hogg, I am a former New York Army
9 National Guard Sergeant and cofounder of the
10 Service Women's Action Network, also known as
11 SWAN, which is an advocacy and direct services
12 organization located here in New York City for
13 servicewomen and women veterans. I'm also a
14 student at the City University of New York School
15 of Law and a graduate of Hunter College. I wish
16 to express my gratitude to the Committee on
17 Veterans and the Committee on Civil Rights for
18 inviting SWAN to comment on the Resolution 0169,
19 which is supporting the passage of HR 1283, which
20 is the first step to repealing the law known as
21 Don't Ask, Don't Tell. And I just wanted to note
22 the prior testimony, I concur with all of it
23 regarding the LGBT section, as well as the limited
24 nature of the actual amendment that's been
25 attached to the defense appropriations bill.

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2 I'll just talk about SWAN for a
3 moment. SWAN's on the forefront of examining the
4 impact of Don't Ask, Don't Tell and preparing for
5 a post-repeal military. SWAN has created and
6 implemented an LGBT military peer counseling help
7 line, an important step especially when you
8 consider the disproportionate impact of the Don't
9 Ask, Don't Tell policy on women and specifically
10 women of color. I have been fortunate to be a
11 part of an organization such as SWAN and be
12 surrounded by people who understand that the real
13 impact of Don't Ask, Don't Tell is, however, not
14 in numbers, but in people. While over 13,000
15 peoples have been discharged under Don't Ask,
16 Don't Tell, hundreds of thousands more have never
17 been accounted for, we suffer in silence, and I am
18 one of the uncounted.

19 Countless LGBT people join the
20 military for nearly as many reasons, one thing we
21 all have in common no matter what our sexuality is
22 a recognition that we're willing to put their
23 lives at risk for the country. What is harder to
24 imagine is that when we sign our names to the
25 dotted line, a policy known as Don't Ask, Don't

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2 Tell will ask us to pretend that we do not have a
3 life to risk.

4 Recently on a website for soldiers
5 a lesbian in the 10th Mountain Division, which is
6 in Ft. Drum, New York, bravely commented, could
7 heterosexuals imagine not being able to say
8 anything about your partner? What if the policy
9 said no one could discuss their relationships
10 period? I bet the suicide rate would skyrocket.
11 Don't discuss your wife's new attitude, your
12 husband's infidelity, don't talk about your
13 offering getting pregnant, or a boyfriend
14 proposing. Imagine going throughout your entire
15 career not being able to discuss your
16 relationships and not being able to bring your
17 loved one to any military function. I bet you
18 couldn't. The statement instantly resonated with
19 me. The five years I served in the National Guard
20 it was like I had two lives: the real Jenn and
21 the military Jenn.

22 While I knew about Don't Ask, Don't
23 Tell when I enlisted, I could never have predicted
24 how I would feel standing on the steps of my
25 armory on 9/11. I stood watching everyone else

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2 say goodbye to their families before we were to
3 spend the night in the armory and drive from
4 Buffalo to New York City the next morning. I was
5 willing, on a moment's notice, no question asked,
6 to serve my country. My country, however, asked
7 that I not hug my partner as tightly or as long as
8 the other soldiers; it asked that I say you too,
9 rather than I love you anytime I was on the phone;
10 it asked that I keep all my fellow soldiers at a
11 distance, never allowing us the full benefits of
12 military camaraderie; it asked that I lie when
13 asked about my personal life. Some people think
14 it's easy to not tell, these are usually the same
15 people who talk about their wives or husbands,
16 wear wedding rings, and expect benefits for their
17 partners. One can only realize how many ways we
18 tell our sexuality when you make the conscious
19 effort not to, and when that effort is coupled
20 with a palpable fear that you could lose
21 everything you've worked for because of one kiss
22 or one instance of handholding.

23 LGBT service members are only
24 seeking to tell the same things their straight
25 counterparts are already allowed to. We all make

1
2 sacrifices when we join the military and the
3 ability to make those sacrifices is predicated on
4 the shared experience of that sacrifice. Don't
5 Ask, Don't Tell singles out LGBT service members
6 to sacrifice, without the benefit of the bonding
7 it usually elicits. We compare the length of the
8 runs we did in basic training, how hard our drills
9 punished us, and how bad the chow was--we all had
10 these experiences, and they bond us together. No
11 one eats food that bad without some expectation of
12 a benefit. The policy turns a potential bonding
13 experience into one that strips you of your sense
14 of self-identity and self-worth.

15 For myself, the most frustrating
16 aspect of the policy are the lies used to create
17 and perpetrate Don't Ask, Don't Tell. There is
18 the idea that discriminating against LGBT service
19 members who are physically able to serve is
20 exactly like discriminating against people
21 physically unable to serve. If this were true,
22 LGBT people would not be able to serve even while
23 closeted. There's also the idea that open service
24 will directly relate to an increase in sexual
25 assault.

1
2 Some claim Don't Ask, Don't Tell is
3 working, without ever explaining what exactly
4 forcing people to lie has to do with military
5 service. And as I said above, or earlier, above
6 when I was writing it, the idea that it's easy to
7 just not tell. Most people can see through these
8 lies, but statements that are lies don't hurt any
9 less when they are about you, your integrity, or
10 your willingness to die for a country and in a
11 military that openly treats you like a second-
12 class citizen.

13 Beyond these personal insults,
14 these lies also have dangerous consequences.
15 Shortly after repeal language was attached to the
16 appropriations bill, there was a flurry of
17 accusations that open military service will direct
18 result in sexual assault. Sexual assault is
19 already a problem in the military. SWAN is an
20 organization in the forefront providing direct
21 services to heal survivors, as well as informing
22 national policy addressing sexual assault and
23 harassment in the military. The organizations
24 making these claims are not experts on sexual
25 assault within or outside the military. They have

1
2 not expressed concern that Don't Ask, Don't Tell
3 is used to blackmail LGBT service members--excuse
4 me, blackmail victims into not reporting the
5 crime. Don't Ask, Don't Tell shames straight
6 people into not reporting same-sex assaults for
7 fear that they may be accused of being gay.
8 Rather than increasing sexual assault, lifting
9 Don't Ask, Don't Tell will increase reporting of
10 the estimated 80% of unreported sexual assaults in
11 the military.

12 Don't Ask, Don't Tell seems a dying
13 relic of a bygone era of open discrimination
14 against LGBT people. We're seeing executive
15 statements, laws, and opinions change, but Don't
16 Ask, Don't Tell is discrimination enshrined in law
17 in 2010. Repeal of 10 U.S.C. 654 is the first
18 step in reminding our LGBT service members that
19 they are worthwhile. Taking this policy away will
20 give back a voice to those who have served and who
21 serve today. Having that voice affirmed by people
22 such as you representing New York City, one of the
23 greatest cities in the world, reaffirms that
24 worth.

25 I'd like to close from a quote by

1
2 Rob Smith, who is an Iraq war vet, who lives in
3 the city, and even after he left the military he
4 spent approximately five years still being silent
5 about his service, and I feel like he's found a
6 very beautiful voice after that silence. For
7 every gay veteran story you do hear, there are
8 hundreds if not thousands of soldier stories you
9 won't. Stories of isolation and fear, mental
10 distress, sexual assault, and all the other
11 poisons bred by Don't Ask, Don't Tell. But maybe
12 now the next generation of gay soldiers will have
13 different stories from mine, stories of open and
14 honest service where they can feel free to be
15 themselves, loving anyway they desire, and trust
16 that they have the backing of the people, and the
17 leaders that they're sworn to protect. Ask any of
18 the gay veterans in this movement and they'll tell
19 you, that's worth fighting for. Thank you for
20 your leadership.

21 CHAIRPERSON ROSE: Thank you.

22 What's involved in the discharge process of an
23 openly gay or lesbian soldier from the moment
24 their orientation is discovered to the moment they
25 are discharged?

1
2 DANIEL HENDRICK: It can vary quite
3 widely, depending on the circumstances in which
4 the disclosure is made. As far as I know, the
5 UCMJ hasn't been updated to--for example, if
6 there's an actual sexual assault on a ship or in
7 an airplane, there's one set of rules that can
8 apply. But for the most part, people are kind of
9 quietly administratively discharged unless they
10 choose to fight and then they can go through an
11 administrative hearing, which is basically kind of
12 like a court hearing where many of the rules about
13 evidence and witnesses are suspended shall we say,
14 and they're far more relaxed and the panel on the
15 other side can make their decisions based using a
16 completely different set of criteria than you'd
17 see in a regular court of law.

18 And that's sort of the legal
19 process, what can happen at the same time as the
20 individuals are going through this process can be
21 equally, if not more, devastating. I'm sure you
22 have some colleagues who have been through this
23 process where word gets around very fast through
24 your unit when stuff is going on. I, for example,
25 had a military intelligence job and one day I had

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2 a green badge, the next day I had a red badge and
3 everyone was kind of wondering what happened, of
4 course, that's going to spur a lot of people
5 discussing it. It's like wildfire in the
6 community, suddenly no one speaks to you the next
7 day, your friends have isolated you, it's a really
8 traumatic experience, one that I wouldn't be
9 surprised if occasionally ends in very bad
10 circumstances for the service member involved.

11 So there's the sort of legal
12 dimension, there's that dimension, and it ends
13 with--I believe this is still the case, correct me
14 if I'm wrong--on your DD 214, which is your
15 separation papers, it still lists an unfavorable
16 reenlistment code, it's called an RE 4, which
17 obviously bars you from enlisting in the military,
18 but it also can preclude you from some sensitive
19 jobs in military defense contracting.

20 CHAIRPERSON ROSE: Would you be
21 able to reenlist, if someone was discharged under
22 Don't Ask, Don't Tell, would you be able to
23 reenlist with this new law?

24 JENN HOGG: As it's currently
25 written, there is no provisions that cover this.

1
2 So once it is repealed, if further laws or
3 executives statements are made, that could be
4 included, but as is, the actual current amendment
5 attached to the defense appropriations bill does
6 not cover that.

7 CHAIRPERSON ROSE: And is there any
8 financial support given to a soldier once they've
9 been discharged for--released under Don't Ask,
10 Don't Tell?

11 JENN HOGG: Any benefits or
12 anything that would exist after your discharge
13 will depend on the actual characterization of your
14 discharge. So if it's a negative type of
15 discharge, then yes; if it's still honorable, then
16 hopefully no, but then, as was already mentioned,
17 if you go to apply for jobs or if you go to the
18 VA, even though the VA is separate, if you
19 encounter people who look at your DD 214 and do
20 see that it was for homosexual related conduct,
21 you could definitely receive some personal bias
22 and discrimination.

23 CHAIRPERSON ROSE: What determines
24 the discharge status, whether it would be
25 unfavorable or honorable? What are the

1
2 parameters, how do they determine under Don't Ask,
3 Don't Tell?

4 JENN HOGG: As far as I understand,
5 this is one of the issues that my organization has
6 encountered with prosecuting sexual assault and
7 harassment, is that it's largely dependent,
8 there's not a set schedule. Like if X happens,
9 then Y is your discharge characterization.

10 And just to add where the earlier
11 questions as well, there's actually a provision in
12 Don't Ask, Don't Tell that says, even though
13 you've admitted to this conduct or act, we don't
14 have to kick you out, it's up to your commander's
15 discretion. So that's part of the issue from
16 starting out with the discharge all the way to
17 ending up as your commander's discretion.

18 DANIEL HENDRICK: Right, and
19 historically throughout the military they've also
20 issued the stop loss orders, which in many cases
21 will lead commanders to sort of look the other way
22 if you're a particularly valuable asset in a
23 combat zone.

24 But I think what the testimony
25 speaks to is really sort of the haphazard and

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2 inconsistent nature of some of the enforcement
3 actions, so a lot can depend on the individual
4 situation and even an individual bosses,
5 commanders, so...

6 CHAIRPERSON ROSE: And having a
7 negative discharge, it can carry over and have an
8 effect on your ability to get work after you're
9 discharged?

10 DANIEL HENDRICK: Absolutely, yeah,
11 and I have an honorable discharge. When it came
12 time to applying for a mortgage, normally straight
13 couples, your married couples are allowed to, for
14 example, apply for a mortgage together and your
15 income is considered together, although we've been
16 together for 11 years, technically, that doesn't
17 matter the slightest bit. So I mean and that's
18 with an honorable discharge, let alone all the
19 steps in between where you could be denied health
20 care, college benefits, pretty much everything.

21 CHAIRPERSON ROSE: Are there any
22 other questions from--

23 CHAIRPERSON EUGENE: Yes. Thank
24 you very much.

25 CHAIRPERSON ROSE: Co-chair.

1
2 CHAIRPERSON EUGENE: Thank you very
3 much, Madam Chair. Is it Daniel? In your
4 testimony you say that if you're a gay or lesbian
5 and out, it does not matter how well you work with
6 everyone in your unit. If there is just one
7 person, one person who is not comfortable with
8 your status, they can set in motion an
9 irreversible chain of events that can destroy your
10 life. Is there any legal recourse that somebody
11 can use to stop that or to correct that?

12 DANIEL HENDRICK: Not as it
13 currently stands. I mean, fortunately, there are
14 some terrific aid organizations that can help
15 people navigate the legal process, I know a number
16 of folks earlier mentioned SLDN. But even
17 reaching out to sort of legal aid to help you
18 negotiate the process takes a bit of struggle
19 right there, you're wondering if your commanders
20 are looking at your mail, listening to your phone
21 that you're calling up sort of the gay legal
22 defense assistance line. I mean, it can be a very
23 treacherous thing. I don't know if you have
24 anything to add on that.

25 JENN HOGG: I mean, basically we're

1
2 talking about like one person can start something,
3 that's why they added the Don't Harass, Don't
4 Pursue portion that was an original was because
5 people were being investigated. Someone could
6 assume that you were gay or lesbian and begin an
7 investigation because, technically, you're
8 government property and everything you own that
9 they own, so they can go into your home,
10 especially if you live on base, it's their
11 property, go through your things and find a gay
12 magazine and say, look, you're gay and begin
13 proceedings. So that was part of the reason for
14 the Don't Harass, Don't Pursue portion. Which I
15 don't think that it's necessarily that bad at this
16 point, but certainly, if you don't tell anyone--if
17 you don't know that that's what they did, that
18 technically could still happen. So I mean, that's
19 I think part of the main issue is that there is
20 the legal protections that you have are so
21 minimal.

22 Part of the policy--basically it's
23 called the Queen for a Day exemption, so if
24 someone finds out that you're gay and you're like,
25 oh, wait, that was just one time, I was just a

1
2 Queen for a Day, I was just gay for a day, that
3 won't happen again. So you can try to prove that,
4 but obviously, even if you are gay, that's a lie,
5 and so you would be the possibility of being
6 caught again and that once you've claimed it once,
7 it's hard to claim it again.

8 And like I mentioned earlier, there
9 is the commander discretion, so even if they have
10 found out that you are--and that commander's
11 discretion I've seen most often applied to a unit
12 that's getting ready to deploy and someone will
13 either be found out or let them know that they are
14 gay and they'll tell them that's okay if you're
15 gay, we need you and then we'll deploy and then
16 when they get back, they'll kick them out.

17 CHAIRPERSON EUGENE: In the
18 community of LGBT, do you believe that the man and
19 the woman, they're affected equally or it is
20 different depending on the gender?

21 JENN HOGG: The physical numbers
22 are pretty similar, but the statistical
23 representations of those numbers are wildly
24 disproportionate. Women make up about 17% of the
25 military and, between different years of the

1
2 policy, have made about 35 to 50% of the
3 discharges. There's been some speculation as to
4 why that is, maybe more lesbians serve, which I
5 think tends to be a gender assumption, but we
6 don't know why that is because we can't talk to
7 people who are gay in the military so we can't
8 really find out how many, is there more women or
9 is it an equal amount of gay women and equal
10 amount of gay men, so is that why the numbers are
11 equal or are people going out of their way and
12 saying oh that girl looks butch so I'm going to go
13 after her, it might just be assumptions. So we
14 don't know, but statistically, it's not, it's
15 disproportionately applied against women and
16 specifically disproportionately also applied
17 against minorities and, specifically, women of
18 color.

19 CHAIRPERSON EUGENE: And I see that
20 your SWAN is serving the women and you're
21 advocating for women, that's wonderful, because
22 one of the issues in the military, especially
23 among the veteran, it seem that the women, they
24 are not really served as much as the men. So let
25 me ask you one question, among the women, do the

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2 women of color are affected differently from the
3 other women?

4 JENN HOGG: The numbers that we've
5 seen have shown that, I don't remember off the top
6 of my head, but they are discharged at three times
7 the rate that they serve. So if 10% of people
8 serving are women of color, then they make up 30%
9 of the discharges and I think that's right around
10 what the numbers are.

11 And once again, it's hard to tell
12 exactly why that is because we can't really do any
13 research because of the policy. So the policies
14 can negatively affect people and then also bar us
15 from finding out why that is and fixing it. Of
16 course, the easiest way to fix it is to repeal the
17 policy.

18 CHAIRPERSON EUGENE: But in your
19 testimony, you say that the five years I served in
20 the National Guard, it was like I had two lives:
21 the real Jenn and the military Jenn. If they
22 repeal [off mic] the Don't Ask, Don't Tell policy,
23 that would help you be a better soldier, and in
24 which way?

25 JENN HOGG: I definitely think so,

1
2 so I was in school in Buffalo at the time and I
3 had to decide am I going to let them know I'm in
4 the military or am I going to let them know that I
5 have a girlfriend, I had to make a decision. And,
6 further, that when I go and I would serve in the
7 National Guard, I couldn't talk about what I did
8 at home because I couldn't let anyone--I couldn't
9 be friends with anyone fully because they might
10 ask me questions. So while the military isn't
11 allowed to ask me are you lesbian, people can ask
12 you is that your boyfriend or what did you do this
13 weekend and responding without lying would be a
14 violation of the policy, if I said, no, that's not
15 my boyfriend or do you have a boyfriend. So these
16 kind of questions you are asked and those aren't
17 violations of the policy technically because
18 they're just kind of general questions.

19 But I actually have just
20 reconnected with some of my friends, and I got out
21 in 2005, so that was five years ago. I've just
22 now begun to reconnect with these people because I
23 got out and I was like, all right, I have to get
24 away because I didn't have those bonds already set
25 when I got out so I didn't have the camaraderie,

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2 the same camaraderie that other people are able to
3 have. I didn't go to people's houses on the
4 weekend or go grab a drink with them after our
5 weekend drill, and those are the ways that you
6 really bond with people are those personal
7 moments, not so much when I'm turning a wrench.
8 So I think that when you're looking at an
9 organization that's based on trust and camaraderie
10 and you tell some people, you can't build that
11 trust and camaraderie, there's an obvious loss.

12 CHAIRPERSON EUGENE: Is there any
13 financial effect or cost in the military by the
14 discharge due to the Don't Ask, Don't Tell?

15 [Crosstalk]

16 DANIEL HENDRICK: I don't really
17 have an exact number but there are many places
18 along the chain that this takes consequence. One
19 of the previous speakers mentioned if people are
20 in the service academies and they're discharged in
21 process or soon after, they actually have to
22 reimburse the U.S. military for the cost of their
23 training. I was let go early after a very
24 expensive linguistic training, so that means more
25 people have to kind of fill in later, they have to

1
2 bring in additional--recruit additional people,
3 send people through school again. Let alone the
4 cost of physically transporting people back and
5 forth with their belongings from overseas, with
6 the cost of implementing any kind of
7 administrative procedure or courts-martial as the
8 case may be. So there's a number of sort of steps
9 along the chain, I'm not sure if there's a
10 specific number.

11 JENN HOGG: It's in the
12 multimillion, like hundreds of millions of dollars
13 to--I mean, putting one person through training
14 costs at least \$1 million, so if they don't stay
15 the amount of time that they're supposed to or if
16 they leave early because they choose not to
17 continue to serve--I served for only five years,
18 although I could have theoretically served 20, so
19 to replace me or replace anyone who is either
20 kicked out or leaves early, you have to pay them
21 to go through all the training again, and the
22 training is what's really expensive. And so every
23 person that they kick out, they end up replacing,
24 and every person that leaves early, they're going
25 to eventually have to replace.

1
2 CHAIRPERSON EUGENE: Are there also
3 consequences on some of the [off mic] of the army
4 due to the discharge and due to the Don't Tell and
5 Don't Ask? Any impact on the [off mic] of the
6 military?

7 DANIEL HENDRICK: Well I think
8 there's all one common message that a lot of us
9 have been conveying here is sort of your combat
10 readiness and your unit cohesion. As you just
11 spoke to just now, I mean, if a member--people
12 within the military right we're always
13 individuals, but when you go through a military
14 experience--be it boot camp, be it a war zone--you
15 go through a lot of very intense experiences and
16 so important to working as a unit is that sense of
17 unit cohesion. So when people are not out,
18 they're living this incredible fiction that really
19 creates a wedge between them and their fellow
20 soldiers, sailors, airmen, and Marines. And if
21 they're out and they're a great performer, that
22 has an extremely detrimental effect on the
23 military because I think people within the system
24 are able to see what an injustice this is. [Off
25 mic].

1
2 JENN HOGG: I mean, it's kind of
3 the same subject, but Service Members United just
4 discovered that the numbers of discharges are
5 actually much larger than we've known in the past
6 because the National Guard and reserve numbers
7 aren't being reported in that. And as a former
8 National Guard soldier, we always get left out.
9 But one of the things about--I mean, you join the
10 National Guard and here you serve one weekend a
11 month, two weeks in the summer, but you serve
12 under Don't Ask, Don't Tell 365 days a year. I
13 always had to keep a lookout to see if someone I
14 knew was near me so I can make sure not to like
15 look too much like I was with my girlfriend and
16 not just some random female friend. So that was
17 kind of roundabout, but...

18 CHAIRPERSON EUGENE: Thank you very
19 much, the both of you, for your presentation and
20 thank you, Madam Chair, thank you [off mic].

21 CHAIRPERSON ROSE: I just have one
22 more question. It's good to see you, Daniel. Is
23 there a difference--I don't know how you were
24 discharged, was it voluntary, did you voluntarily
25 give information or did--

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DANIEL HENDRICK: No, I--

CHAIRPERSON ROSE: --someone else--
okay.

DANIEL HENDRICK: Report it--

[Crosstalk]

CHAIRPERSON ROSE: And is there
sort of any difference in terms of how you were
treated based on whether you voluntarily come
forward and give this information, make your
status known, or if someone sort of like, I guess,
outs you?

DANIEL HENDRICK: That's a good
question. I was dismissed from the military like
18 years ago, so it's certainly been some time and
I know the procedures have changed, I don't know
if you maybe have some more recent information
than I do about that.

CHAIRPERSON ROSE: I mean do they
consider it if you voluntarily come forward and
say, listen, this is my status and do what you
will or--

DANIEL HENDRICK: [Interposing] The
net result is the same--

[Crosstalk]

1
2 JENN HOGG: As the policy is
3 written under U.S.C. 654, there's no difference,
4 but the difference can be in how the person who is
5 making the decisions and you know makes those
6 decisions regarding your discharge.

7 CHAIRPERSON ROSE: Well are there
8 any other questions?

9 COUNCIL MEMBER VAN BRAMER: I just
10 want to say thank you to both of you and,
11 obviously, one of you is a constituent of mine who
12 just happens to live in my house, so thank you and
13 you're both very articulate and should be thanked
14 for the service that you did provide to our
15 country.

16 DANIEL HENDRICK: Thank you.

17 CHAIRPERSON ROSE: Yes, and I would
18 like to echo that, thank all of the panelists who
19 came forward to give us information today. And I
20 am very pleased to announce that the Civil Rights
21 Committee has voted unanimously to support this
22 Reso. And I'd like to thank my co-chair, Council
23 Member Eugene, and I'd like to thank Council
24 Member Van Bramer for sponsoring this legislation.
25 You know, anytime that people are discriminated

1
2 against we have to stand up and do what's right.

3 And so I thank you all for your consideration and

4 I'll turn it over to my co-chair.

5 CHAIRPERSON EUGENE: Thank you very
6 much. Let me just add my thanks also, let me
7 express my gratitude to both of you for your
8 service to the nation. You have put your life in
9 danger for this nation, you have served this
10 nation. I think that you are entitled to all the
11 services that are available. It doesn't make
12 sense for people who have served their country,
13 who have made the ultimate sacrifices to serve
14 this country, and to be denied services like
15 access to health care and other very important
16 cost services that this nation can provide. And I
17 think that this is not fair. Thank you very much.

18 DANIEL HENDRICK: Thank you. Thank
19 you very much.

20 CHAIRPERSON ROSE: I guess this
21 meeting is adjourned.

22 CHAIRPERSON EUGENE: All right.

23 [Crosstalk]

24 CHAIRPERSON ROSE: Thank you [off
25 mic].

2 CHAIRPERSON EUGENE: Nice work.

3 [Off mic]

4 CHAIRPERSON ROSE: Yeah, we've got
5 to go for the briefing now, right?

6 MALE VOICE: Thank you.

7 CHAIRPERSON ROSE: You going for
8 your briefing?

9 [Crosstalk]

10 MALE VOICE: Thank you very much,
11 thank you. Yeah, I have a--

12 CHAIRPERSON ROSE: You have a
13 briefing--

14 [Crosstalk]

15 MALE VOICE: --meeting at 3:30,
16 right?

17 CHAIRPERSON EUGENE: At 3:30.

18 CHAIRPERSON ROSE: Oh, is it 3:30?

19 MALE VOICE: Yeah.

20 [Crosstalk]

21 CHAIRPERSON ROSE: Oh, I thought it
22 was 3 o'clock.

23 [Off mic]

24 CHAIRPERSON ROSE: Yes.

25 [Off mic]

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CHAIRPERSON ROSE: Yes, I do, yes,

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I do.

4

MALE VOICE: Maybe we could give

5

you the--

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CHAIRPERSON ROSE: Please do

7

because I want to get rid--

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Tammy Wittman

Date June 28, 2010