

1 [Supporting the Litigation Challenging the Constitutionality of the Federal “Don’t Ask, Don’t
2 Tell” Policy]

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4 **Resolution supporting the litigation *Log Cabin Republicans v. United States of***
5 ***America* currently on trial before U.S. District Court for the Central District of California**
6 **(Riverside), with Judge Virginia A. Phillips in Riverside presiding, challenging the**
7 **constitutionality of the federal “Don’t Ask, Don’t Tell” (DADT) Policy.**

8 WHEREAS, In the United States, service in the Armed Forces by lesbian, gay, and
9 bisexual Americans has been at question for many years, leading to the creation of the
10 National Defense Authorization Act of 1994 (Public Law 103-160), more commonly known as
11 the “Don’t Ask, Don’t Tell, Don’t Pursue, Don’t Harass” or simply the “Don’t Ask, Don’t Tell”
12 policy; and

13 WHEREAS, With the country now fighting two wars, and Gay and Lesbian members of
14 our Armed Forces serving their country honorably, and in many cases enduring injury and
15 death, U.S. policy still mandates that the U.S. military exclude members of the Lesbian, Gay,
16 Bisexual, and Transgender (LGBT) Community from military service; and

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18 WHEREAS, The United States Armed Forces is currently unable to meet its own
19 recruiting goals, thus forcing National Guard and Reserve members to serve extended tours
20 of duty, while at the same time highly qualified and patriotic LGBT Americans are prevented
21 from serving solely because of their sexual orientation; and

22 WHEREAS, The Department of Defense has issued four reports since 1957 examining
23 the presence of lesbian, gay, and bisexual service members in the Armed Forces, with
24 findings indicating that these service members do not pose security risks nor impair military
25 readiness, but rather perform their duties as well as heterosexual service members; and

1 WHEREAS, LGBT service members have served and are serving bravely and
2 honorably in all branches of the United States Armed Forces and in all locations, national and
3 international, numbering one million veterans and 65,000 active duty personnel, according to
4 the Servicemembers Legal Defense Network; and

5 WHEREAS, Top United States national security agencies do not discriminate against
6 their personnel based on sexual orientation, rather, the Department of Homeland Security,
7 the Central Intelligence Agency, the Defense Intelligence Agency, the Federal Bureau of
8 Investigation, and the National Security Agency all allow personnel to serve openly, leaving
9 the Armed Forces as the only agency in the federal government that still uses sexual
10 orientation to discriminate in employment decisions; and

11 WHEREAS, Many of America’s allies, including Israel, Australia, Canada, Germany,
12 and the United Kingdom, allow LGBT service members to serve openly in their militaries, and
13 the United Kingdom now actively recruits these service members; and

14 WHEREAS, the U.S. Military's "Don't Ask, Don't Tell" (DADT) policy violates
15 constitutional protection of due process and free speech, and fails to set forth a government
16 interest that warrants intruding on the constitutionally protected rights of openly homosexual
17 members to serve their country; and

18 WHEREAS, the Log Cabin Republicans have filed suit in federal court challenging the
19 constitutionality of the policy in federal court, the only such case not based on an individual
20 dismissal from the military; and

21 WHEREAS, DADT violates 1st and 14th amendment rights, and retains the threat of
22 blackmail and risk of compromising national security while it undermines military
23 effectiveness, military readiness, and unit cohesion and troop morale; and
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1 WHEREAS, San Francisco is proud to be a City and County that not only celebrates its
2 diversity but also has a long tradition of fighting for equal rights for all people regardless of
3 ethnicity, religion, or sexual orientation and this lawsuit reflects those commitments and
4 values; and

5 WHEREAS, The Urban Institute, using data from the 2000 Census, has counted over
6 15,000 gay and lesbian veterans living in San Francisco alone; now, therefore, be it

7 RESOLVED, That the Board of Supervisors hereby supports the litigation *Log Cabin*
8 *Republicans v. United States of America* currently on trial before U.S. District Court for the
9 Central District of California (Riverside), with Judge Virginia A. Phillips in Riverside presiding,
10 challenging the constitutionality of the federal “Don’t Ask, Don’t Tell” (DADT) Policy; and, be it

11 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall transmit
12 copies of this resolution to presiding Judge Virginia A. Phillips of the U.S. District Court for the
13 Central District of California (Riverside), U.S. Secretary of Defense Robert Gates, Attorney
14 General Eric Holder, and the Log Cabin Republicans.

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