

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

17  
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

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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 14<sup>th</sup> 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.



**City and County of San Francisco**  
**Tails**  
**Resolution**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 101035

**Date Passed:** September 14, 2010

Resolution supporting the litigation Log Cabin Republicans v. United States of America currently on trial before U.S. District Court for the Central District of California (Riverside), with Judge Virginia A. Phillips in Riverside presiding, challenging the constitutionality of the federal "Don't Ask, Don't Tell" Policy.

September 14, 2010 Board of Supervisors - ADOPTED

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Duffy, Mar, Maxwell and Mirkarimi  
Absent: 2 - Alioto-Pier and Elsbernd

File No. 101035

I hereby certify that the foregoing  
Resolution was ADOPTED on 9/14/2010 by  
the Board of Supervisors of the City and  
County of San Francisco.

Angela Calvillo  
Clerk of the Board

Mayor Gavin Newsom

September 21, 2010

Date Approved