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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO ESTABLISH A POLICY OF  
NONDISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION FOR  
MEMBERS OF THE UNITED STATES ARMED FORCES.

1           WHEREAS, the Military Readiness Enhancement Act of 2007,  
2 H.R. 1246, was introduced in the United States Congress on  
3 February 27, 2007; and  
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5           WHEREAS, the purpose of the Military Readiness Enhancement  
6 Act is to enhance the readiness of the United States Armed  
7 Forces by replacing the current federal policy concerning  
8 homosexuality in the military with a policy of nondiscrimination  
9 on the basis of sexual orientation; and  
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11           WHEREAS, gay and lesbian service members have served  
12 honorably throughout the history of the United States, including  
13 recent military service with distinction in arenas in  
14 Afghanistan and Iraq; and  
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16           WHEREAS, the previous ban on gays and lesbians in the  
17 military was replaced with the National Defense Authorization  
18 Act of 1994, Public Law 103-160, commonly referred to as the  
19 "Don't Ask, Don't Tell" policy; and  
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21           WHEREAS, a study released in 2005 by the United States  
22 Government Accountability Office (GAO study) on the impact of  
23 the "Don't Ask, Don't Tell" policy found that nearly 9,500  
24 homosexual service members were discharged between 1994 and  
25 2003, thus ending their military careers and burdening them with  
26 a lifelong stigma; and  
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28           WHEREAS, the GAO study noted that of the service members  
29 separated between 1994 and 2003, seven hundred fifty-seven held  
30 critical occupations and three hundred twenty-two had skills in

1 important foreign languages such as Arabic, Farsi, and Korean;  
2 and

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4 WHEREAS, the GAO study estimated that the cost of  
5 recruiting replacements for the separated service members was  
6 \$95,000,000; the Army, Navy, and Air Force estimated that costs  
7 to train replacements would amount an additional \$95,100,000;  
8 and

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10 WHEREAS, the ability of the United States military to  
11 perform its mission is hindered when competent and qualified  
12 individuals are involuntarily discharged from military service  
13 because of real or perceived sexual orientation; and

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15 WHEREAS, current troop shortages in the military have  
16 resulted in extended active duty tours for National Guard and  
17 reserve service members deployed to the middle east in the  
18 "global war on terrorism"; and

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20 WHEREAS, many American allies in the war on terror allow  
21 homosexuals to serve openly in the military, including the  
22 United Kingdom, Australia, and Israel; and

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24 WHEREAS, in a January 2007 New York Times editorial,  
25 retired general John Shalikashvili, Chairman of the Joint Chiefs  
26 of Staff when the "Don't Ask, Don't Tell" policy was adopted,  
27 stated that conversations with military personnel convinced him  
28 that the policy should now be abandoned and expressed his belief  
29 that "gays and lesbians in the military would not undermine the  
30 efficacy of the armed forces"; and

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32 WHEREAS, on December 7, 2007, twenty-eight retired generals  
33 and admirals released a letter urging Congress to repeal the  
34 "Don't Ask, Don't Tell" policy, which also stated that "it is  
35 not the place of the military or those in senior leadership to  
36 make moral judgments"; and

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38 WHEREAS, in expressing their support for the repeal of the  
39 policy, the retired generals and admirals also recognized that  
40 the approximately one million gay and lesbian veterans in the  
41 United States had served the nation honorably; and

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43 WHEREAS, the Legislature and courts in Hawaii have  
44 protected individuals from discrimination based on sexual

1 orientation and gender identity to affirm equal protection for  
2 all people under the law; now, therefore,

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4 BE IT RESOLVED by the House of Representatives of the  
5 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
6 of 2009, the Senate concurring, that the United States Congress  
7 is respectfully requested to amend title 10 of the United States  
8 Code by repealing the current "Don't Ask, Don't Tell" policy  
9 concerning homosexuality in the military and to adopt a policy  
10 of nondiscrimination on the basis of sexual orientation for  
11 members of the United States Armed Forces comparable to that  
12 expressed in H.R. 1246 (2007); and

13  
14 BE IT FURTHER RESOLVED that certified copies of this  
15 Concurrent Resolution be transmitted to the President of the  
16 United States Senate, the Speaker of the United States House of  
17 Representatives, the Secretary of Defense, and the members of  
18 Hawaii's congressional delegation.

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OFFERED BY: \_\_\_\_\_