

RESOLUTION NO. 090479

PASSED: November 5, 2009

A Resolution of the City Commission of the City of Gainesville, Florida, authorizing the execution of a Statement of Support for the Military Enhancement Act of 2009 (H.R. 1283), to replace the current National Defense Authorization Act, referred to as "Don't Ask, Don't Tell," with a policy of nondiscrimination based on Sexual Orientation in the United States Armed Forces.

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

WHEREAS, the Servicemembers Legal Defense Network has found that this Policy of "Don't Ask, Don't Tell" led to the discharge of nearly 10,000 servicemembers in its first ten years, including nearly 800 with "critical skills," of which 322 were linguists; and

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

WHEREAS, low troop levels put national security at risk through lack of personnel, inadequate training, increased troop fatigue and stress, and decreased morale; and

WHEREAS, the "Don't Ask, Don't Tell" policy also affects national security and military readiness in more insidious manners, including harassment, violence, secrecy, and lack of confidential medical care, all of which undermine unit cohesion; and

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

WHEREAS, lesbian, gay, and bisexual servicemembers have served and are serving bravely and honorably in all branches of the United States Armed Forces and in all locations, national and international, numbering one million veterans and 65,000 active duty personnel, according to the Servicemembers Legal Defense Network; and

WHEREAS, top United States national security agencies do not discriminate against their personnel based on sexual orientation. Rather, the Department of Homeland

Security, the Central Intelligence Agency, the Defense Intelligence Agency, the Federal Bureau of Investigation, and the National Security Agency all allow personnel to serve openly, leaving the Armed Forces as the only agency in the federal government that still uses sexual orientation to discriminate in employment decisions; and

WHEREAS, many of America's allies, including Israel, Australia, Canada, and the United Kingdom, allow lesbian, gay, and bisexual servicemembers to serve openly in their militaries, and the United Kingdom now actively recruit these servicemembers; and

WHEREAS, the Servicemembers Legal Defense Network finds that American taxpayers spend nearly \$26 million a year training replacements for servicemembers discharged under the "Don't Ask, Don't Tell" policy, with unknown costs associated with the actual discharge of these servicemembers and non-monetary costs to troop cohesion and morale associated with the loss of unit members; and

WHEREAS, the Urban Institute, using data from Census 2000, has counted nearly 65,000 gay and lesbian, men and women, serving in uniform;

WHEREAS, according to the Statistical Information Analysis Division Work Force Publication as of 2008, there were 90,521 Active Duty Military personnel, including Reserve and National Guard Troops, serving in the state of Florida, of which 2,534 are estimated to be gay, lesbian or bisexual; and

WHEREAS, the City of Gainesville is the 14th largest city in the State of Florida, and consequently, is greatly impacted by a large number of citizens who serve in the military and who are gay, lesbian and bisexual, and

WHEREAS, national security and military readiness will be best served by allowing every willing and able American to serve in the United States Armed Forces, without regard to sexual orientation.

NOW, THEREFORE, BE IT RESOLVED BY THE GAINESVILLE CITY COMMISSION THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Gainesville City Commission hereby supports the Military Readiness Act of 2009 (H.R. 1283) that will replace the current "Don't Ask, Don't Tell" policy with a policy of non-discrimination based on sexual orientation.

Section 3. The Commission further directs City staff to transmit a certified copy of this Resolution to the President of the United States, Barack Obama; Speaker of the House, Nancy Pelosi; Senate Majority Leader, Harry Reid; Representatives; Corrine Brown and Cliff Stearns and Senators: Bill Nelson and George LeMieux.

Section 4. All resolutions or parts of resolutions in conflict herewith shall be repealed to the extent of such conflict.

Section 5. If any Section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

Dated the 5th day of November, A.D., 2009



Pegeen Hanrahan
Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY



Kurt M. Lannon
Clerk of the Commission



Marion J. Radson
City Attorney

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