

2013-K1046

LEGISLATIVE RESOLUTION urging the New York State Congressional delegation to pass S. 1956/H.R. 2839, The Restore Honor to Service Members Act

WHEREAS, The federal legislation, The Restore Honor to Service Members Act, would require review boards of the military services to establish a timely, consistent, and transparent process for reviewing the records of service members claiming to have been discharged because of their sexual orientation; and

WHEREAS, This federal measure would ensure service members who were discharged for no other reason than their sexual orientation, have an opportunity to have their military service records corrected to reflect their honorable service; and

WHEREAS, Between World War II and the repeal of the policy known as Don't Ask, Don't Tell in September 2011, approximately 100,000 service members were discharged because of their sexual orientation; and

WHEREAS, Many of those discharged under Don't Ask, Don't Tell may have been designated with a discharge status of "other than honorable," "general discharge," or "dishonorable," depending on the circumstances; and

WHEREAS, Some of the consequences of these discharges are these servicemen and women may be partially or entirely disqualified from accessing the veterans' benefits they earned and are entitled to, such as the GI bill and the veteran's health care system; the consequences of these discharges may also prevent them from voting and may make it more difficult for them to find civilian employment; and

WHEREAS, After Don't Ask, Don't Tell went into effect in 1993, many service members discharged from the military under this policy were given "honorable" discharges, however, the narrative reason on their

discharge papers, may read "Homosexual Conduct," "Homosexual Act," or "Homosexual Marriage," threatening their privacy when using these papers as proof of veteran status; and

WHEREAS, Service members discharged under Don't Ask, Don't Tell could receive a negative reenlistment code barring them from re-entering the military, which could be interpreted by civilians without knowledge of the military that they were discharged for bad conduct; and

WHEREAS, The Department of Defense has taken steps by allowing members to appeal their discharge characterization and to change their narrative, however, the process remains onerous, and often requires them to retain legal counsel to help them navigate the process and produce paperwork or other evidence that the former service member may not have; and

WHEREAS, The Restore Honor to Service Members Act would make the process for corrective action easier and simplify the requirements necessary for service members to initiate a review by removing the responsibility of the service member to find and produce relevant documentation and placing the responsibility on the Department of Defense; and

WHEREAS, This federal act would require the historians of each of the military services to review the facts and circumstances of the estimated 100,000 service members discharged for their sexual orientation prior to the repeal of Don't Ask, Don't Tell; now, therefore, be it

RESOLVED, That the New York State Congressional delegation be and hereby is respectfully memorialized by this Legislative Body to pass The Restore Honor to Service Members Act to help correct the military record of service members who were discharged due to their sexual orientation so these men and women can receive the honorable discharges they earned; and be it further

RESOLVED, That copies of this Resolution, suitable engrossed, be transmitted to each member of the Congressional delegation from the State of New York.