

DEOMI News Highlights

DEOMI News Highlights is a weekly compilation of published items and commentary with a focus on equal opportunity, equal employment opportunity, diversity, culture, and human relations issues. DEOMI News Highlights is also a management tool intended to serve the informational needs of equity professionals and senior DOD officials in the continuing assessment of defense policies, programs, and actions. Further reproduction or redistribution for private use or gain is subject to original copyright restrictions.

DOD Officials Make Case for Keeping the Draft, Women Included [Patricia Kime, *Military.com*, 24 April 2019]

- The Selective Service System is an “inexpensive insurance policy” against a national emergency and should be modified to include women, a senior Defense Department official implied Wednesday during a hearing on the future of draft registration in the U.S.
- Asked whether [requiring women to register](#) for a potential draft would “result in a more lethal military,” Assistant Secretary of Defense for Manpower and Reserve Affairs James Stewart avoided answering the question directly, instead pointing out that all military occupations are now open to men and women and the military basically looks “for standards.”
- Until now, the Defense Department has stayed silent on the proceedings of the National Commission on Military, National, and Public Service, which is conducting a three-year review of public service in America, considering whether the U.S. needs the Selective Service System and if women should be required to register.

[DOD Officials Make Case for Keeping the Draft, Women Included](#)

Military Not Following Own Rules for On-Base Domestic Violence Investigations [Richard Sisk, *Military.com*, 25 April 2019]

- Military commanders and law enforcement personnel have been failing to follow their own rules regarding incidents of on-base domestic violence, according [a new report](#) from the Pentagon’s Office of Inspector General.
- Of 219 cases examined at eight installations, 201 were found not to comply with Defense Department policies on how they should be handled, the IG’s report states.
- The report makes six recommendations to the secretaries of the Army, Air Force, and Navy for prompt action, including making sure that “military service law enforcement practices, equipment, and supervisory reviews are adequate to comply with DOD policies when collecting evidence, conducting interviews” and notifying Family Advocacy Programs of potentially violent situations.

[Military Not Following Own Rules for On-Base Domestic Violence Investigations](#)

Supreme Court to take up LGBT job discrimination cases [Mark Sherman, *The Associated Press*, 22 April 2019]

- The Supreme Court is taking on a major test of LGBT rights in cases that look at whether federal civil rights law bans job discrimination on the basis of sexual orientation and gender identity.
- The justices said Monday they will hear cases involving people who claim they were fired because of their sexual orientation and another that involves a funeral home employee who was fired after disclosing that she was transitioning from male to female and dressed as a woman.
- The issue is whether Title VII of the federal Civil Rights Act of 1964, which prohibits sex discrimination, protects LGBT people from job discrimination. Title VII does not specifically mention sexual orientation or transgender status, but federal appeals courts in Chicago and New York have ruled recently that gay and lesbian employees are entitled to protection from discrimination. The federal appeals court in Cincinnati has extended similar protections for transgender people.

[Supreme Court to take up LGBT job discrimination cases](#)

DEOMI News Highlights

Culture

[Northam calls for Jefferson Davis arch on Fort Monroe to come down](#)

Discrimination

[California's CROWN Act seeks to end racial discrimination based on hairstyles](#)
[Did a Navy command retaliate against this junior sailor for reporting misconduct?](#)
[The Equal Rights Amendment is one state short of ratification. Will it be Missouri?](#)
[In California National Guard, whistleblower claims of retaliation go beyond Fresno](#)
[Google Employees Say They Faced Retaliation After Organizing Walkout](#)
[Supreme Court to take up LGBT job discrimination cases](#)

Diversity

[DOD Officials Make Case for Keeping the Draft, Women Included](#)
[National Guard in California, Nevada, Washington State, Oregon, and New Mexico Defy Trump's Trans Troops Ban](#)
[Trump administration prepares a rule civil rights groups worry may deny care to transgender patients](#)

Miscellaneous

[The Air Force Is on a Mission to Fix its Uniforms](#)
[The Army wants you to come experience life '#InOurBoots'](#)
[Iraqi interpreter earns US citizenship after being pulled from previous ceremony](#)
[Justices seem ready to OK asking citizenship on census](#)
[Utah man pushes for census to include veterans question](#)
[VA Won't Ramp Up Security After Rash of Suicides on Premises. Here's Why.](#)

Misconduct

[Feds: Coast Guard officer targeted Supreme Court justices](#)
[Illicit drugs ruined this sailor's career](#)
[Military Not Following Own Rules for On-Base Domestic Violence Investigations](#)
[More Discipline, Less Bleeding: General Defends Controversial New Policy](#)
[Navy cook booted for running with criminal motorcycle gang](#)
[Second Okinawa-based airman in four days arrested on suspicion of drunken driving](#)

Racism

[White supremacist executed for 1998 hate-crime killing of James Byrd Jr.](#)

Religion

[AP joins global initiative to expand reporting on religion](#)

Sexual Assault/Harassment

[Federal officials to review Wisconsin Guard assault protocol](#)
[Recording device reportedly found in women's bathroom aboard ship with the 22nd MEU](#)

Culture

Northam calls for Jefferson Davis arch on Fort Monroe to come down

By Lisa Vernon Sparks

Daily Press (Newport News, Va.), April 18, 2019

Gov. Ralph Northam has called for the removal of the [Jefferson Davis Memorial arch](#) at Fort Monroe, saying its continued presence has an “adverse effect” on the historic property and urged the authority’s board of trustees to initiate steps to take it down.

In a letter presented Thursday to the Fort Monroe Authority Board of Trustees, Chief of Staff Clark Mercer relayed the governor’s stance, asking an eight-member panel and those ex-officio members present to take necessary steps to remove the arch and all references to the Jefferson Davis Memorial Park, located at Bernard and Ruckman road intersection near a 500-yard terreplein.

The archway entrance to the Jefferson Davis Memorial Park was built on the ramparts in 1956 by the Army on behalf of the United Daughters of the Confederacy. The group paid \$10,000 to build the 50-foot wrought iron structure.

“This process will require a detailed review ... along with significant public engagement. I believe it is appropriate,” Mercer said, reading Northam’s letter. “I feel strongly that a memorial glorifying the President of the Confederacy has no place here, especially given our efforts this year to commemorate the 400th anniversary of enslaved Africans landing at Old Point Comfort.

Northam’s position, which some present called bold, argued while the arch and park are listed as contributing elements to the Fort Monroe National Historic Landmark designation, they “were constructed after the landmark’s period of historic significance ended,” his letter stated.

Members of authority’s board, after some debate, voted unanimously to take steps to have the arch removed, a protracted process given the federal constraints facing the historic landmark district.

The vote took place during the second day of a two-day retreat with a tour of select spots on the 565-acre former military post that included a visit to the archway.

The United Daughters of the Confederacy conceived the original project to erect a structure in honor of Jefferson Davis, authority officials said. Davis, the former U.S. Secretary of War and president of the confederacy, was incarcerated for treason within a casemate cell, a mere walking distance from the archway and park.

Christine Gergely, 72, of Newport News, a representative with the United Daughters of the Confederacy, was in attendance Thursday. Gergely was there with her husband and spoke in defense of the structure, saying it was accepted by the Army in good faith.

“How can you have ‘one nation under God’ and destroy a piece of history?” Gergely said, referencing a comment another board member made earlier. “Removing the arch is just denying the original history. I think it’s wrong. We have as much right to our things we have given in good faith, as anyone else.”

Mercer later summarized Northam’s letter, saying the governor feels there is a distinction between teaching the history about Davis at the Casemate Museum “and a memorial on a hill that glorifies and honors an individual we don’t feel is a contributing factor ... but we feel takes away from the actual contributing elements and their historic significant.” Mercer said. “When we look at what contributing elements are ... we feel the mid-1950s falls outside the scope of that. It’s not a coincidence this was put up the same year

<https://www.dailypress.com/news/hampton/dp-nws-hampton-fort-monroe-20190418-story.html>

... of Virginia's massive resistance.... It's incompatible to have that and tell the story we are charged to tell here."

Board members also considered some options in the meantime — including adding interpretive signage, changing the name on the arch, or even remove, obscure the letters or store them — given the optics of the structure as the community prepares for the commemoration events in late August.

"This is where freedom lives, and everything should be consistent with it," said board chairman James Moran. "I think the interpretive signage is going to be quite provocative in and of itself."

Ex-officio non-voting member Secretary of Commerce and Trade Brian Ball added, "That's a very offensive structure, largely because of the timing. I would not want anyone coming here without some interpretation of that sign. I think it's really important to get something up there. It just sitting there, like an endorsement."

The letter primarily was addressed to David Stroud, the authority's historic preservation officer. Stroud said his office will begin reviewing the request.

The historic landmark designation lists the Jefferson Davis Memorial Arch and park as a contributing landscape feature and is outlined in a programmatic agreement crafted the after the Base Realignment and Closure — BRAC — in 2005 and before the military post was decommissioned in 2011.

Northam has faced recent criticism about a blackface photo in his medical school yearbook, but the issue of removing the arch had been an objective when he was lieutenant governor and served on the authority's board in 2014, Mercer said.

"It's never a wrong time to do the right thing," Mercer said.

Discrimination

California's CROWN Act seeks to end racial discrimination based on hairstyles

By Kristin Lam

USA TODAY, April 23, 2019



Menelik Swyer, 9, of Detroit, (left) and his sister Naja Swyer, 6, of Detroit enjoy green apples during the National Natural Hair meetup at the Artist Village in Detroit on Saturday, May 19, 2012. The California State Senate on April 22, 2019 passed a bill that would ban schools and workplaces from having dress codes against braids, twists and other natural hair styles. (Photo: Kimberly P. Mitchell, Detroit Free Press)

California legislators on Monday moved forward a bill that would protect students and employees from discrimination based on natural hairstyles including afros, braids and twists.

Passed by the Senate, [the CROWN Act](#) (Create a Respectful and Open Workplace for Natural Hair) seeks to add hair textures and styles associated with race to state anti-discrimination laws. The House will consider the measure next.

Sen. Holly J. Mitchell, the bill's author, said dress codes banning kinky hair punish African Americans for their natural appearance. For centuries, the Los Angeles Democrat said black people had to use expensive, chemically-harsh treatments to fit Eurocentric standards of professional hair.

"There are still far too many cases of black employees and applicants denied employment or promotion — even terminated — because of the way they choose to wear their hair," [she said on the floor](#) Monday. "I have heard far too many reports of black children humiliated and sent home from school because their natural hair was deemed unruly or a distraction to others."

Federal and California law prohibit discrimination based on religious hairstyle and head coverings, but Mitchell said the measures aren't enough.

Last year, a referee who forced a 16-year-old athlete named Andrew Johnson to [cut his locks](#) or forfeit a wrestling match sparked national outrage from civil rights advocates. The referee was [banned from officiating](#) meets while the New Jersey State Interscholastic Association and New Jersey Division of Civil Rights investigate the incident.

New York City in February outlawed discrimination against black hair, including cornrows and Bantu knots. [The law](#) protects against bias in public spaces from restaurants and nightclubs in addition to schools and workplaces.

"This is big," Noliwe Rooks, professor of Africana studies at Cornell University, [told USA TODAY](#) at the time. "Hair is connected to civil rights ... and needs to be protected."

Did a Navy command retaliate against this junior sailor for reporting misconduct?

By Geoff Ziezulewicz

Navy Times, April 23, 2019



Yeoman 3rd Class Maegan Bayless accused her superiors of drunkenness and opioid abuse at work. Her command later tried to take her to captain's mast and kick her off active duty, according to Navy records. (Photo courtesy Maegan Bayless)

When Yeoman 3rd Class Maegan Bayless accused superiors of drunkenness and opioid use in a Wichita recruiting office last year, she never expected it would trigger charges or efforts by her command to kick her off active duty.

But the 22-year-old reservist's superiors tried to do just that, according to records obtained by Navy Times. Now, the Navy Recruiting Command's Inspector General is investigating how [Navy Recruiting District St. Louis's](#) leadership treated the junior sailor, whether she faced reprisal from her CO and pressure from her command master chief to recant her allegations in order to protect the chiefs mess.

At the same time, Big Navy is walking back the disciplinary actions that Bayless' command attempted to take against her.

"Petty Officer Bayless did the right thing by reporting misconduct by her shipmates," Navy Recruiting Command spokeswoman Lt. Cmdr. Jessica McNulty said in an email.

The reversal came after Navy Times started asking questions about the case.

"She is not facing reprisal for reporting," McNulty said. "The Navy Recruiting Command has recommended no actions be taken against her and that she remain on recruiting duty as a Canvasser Recruiter in the Wichita, Kansas, recruiting station."

Bayless' woes began in November, when she filed a statement accusing her chief, a petty officer first class and a petty officer second class of drinking on the job and swapping opioid pills in the office.

In her statement and during the subsequent investigation, Bayless admitted to drinking a beer in uniform at lunch with those enlisted superiors about a week after reporting to Naval Recruiting Station Wichita-West last August.

"I was told by my Chief that having 'liquid lunches' or drinking beer at lunch was a regular occurrence and that it didn't bother him," she wrote in her complaint. "So I drank a beer in uniform with the other recruiters at lunch."

A few weeks after filing her complaint, Bayless alleged in another statement that the district's enlisted leader, [Command Master Chief Latricia Robinson](#), pressured her to recant her allegations, and she refused.

Robinson referred all questions to Navy Recruiting Command.

After the investigation was completed in February, her bosses at Navy Recruiting District St. Louis opted to use that self admission to try and first take her to captain's mast and then separate Bayless, according to records.

<https://www.navytimes.com/news/your-navy/2019/04/23/did-a-navy-command-retaliate-against-this-junior-sailor-for-reporting-misconduct/>

Cmdr. Nathan Rockholm, the St. Louis district CO who signed off on the moves, recently handed over the district's reins in a scheduled change of command and did not respond to a request for comment.

Bayless told Navy Times she felt she faced reprisals for speaking up about the wrongdoing of her enlisted leaders.

"I am the most junior sailor at the command and I made allegations against a chief petty officer," she wrote in a February complaint to the Inspector General. "I feel as though the command master chief and the chief recruiter wanted to protect the chief that I made allegations against. I also believe that they did not want these allegations to reflect negatively on the command itself."

Despite the Navy proclaiming her job secure, Bayless said her command has since pressured her to submit an email asking to be removed from active duty.

Such documentation would show she volunteered for the separation she's been fighting.

"They want to be able to say, 'She signed it. She wants to leave,'" Bayless said.

Despite McNulty reiterating that no actions will be taken against Bayless, the yeoman said Tuesday that she was routing paperwork to leave active duty due to pressure from her command to do so.

"This isn't getting any better," she said of her situation at the recruiting station.

Bayless said she contacted Navy Times to tell her story because she feels that what happened was wrong and that she was just "trying to do the right thing."

"If we are living by honor, courage, commitment, then I owe it to myself and the Navy to enforce the standard as a third class," she said. "It's all across the board, from junior enlisted to senior enlisted."

"Specific items of concern"

Bayless said she knows it was wrong to have had a beer in uniform at lunch.

She said she didn't feel right about it afterwards, consulted the regs and told her chief and first class she would not do it again.

After that, she became the "sober cab" the next time they all went out for lunch, Bayless wrote in her statement.

"I knew I was being used in a sense because I was young and they knew I wanted to be a part of that group," Bayless told Navy Times. "It's important that I get in good because that's how recruiting is. It's cutthroat."

Bayless' non-judicial punishment notification from February cites the command investigation into her allegations as the reason for the action.

As is her legal right, Bayless refused Rockholm's NJP, opting instead for trial by court-martial. But the command never took her to court-martial for insubordination and other charges stemming from her admitted on-duty drinking.

In March, Rockholm attempted to separate Bayless from active duty.

A copy of the separation request signed by Rockholm states that "Petty Officer Bayless was charged with drinking alcohol while in a duty status."

The command investigation did not substantiate most of Bayless' allegations against the enlisted leaders, but it also did not rule them out, according to a copy of the report obtained by Navy Times.

<https://www.navytimes.com/news/your-navy/2019/04/23/did-a-navy-command-retaliate-against-this-junior-sailor-for-reporting-misconduct/>

Investigating officer Lt. Michael Dungan's probe raised questions about drug and alcohol abuse in the unit, a communal dysfunction the lead investigator thought might be fostered by the grinding pressures of recruiting an all-volunteer force.

Bayless said she was troubled by what she witnessed but at a loss for how to handle it.

"I didn't know what to do with the information," she told Navy Times. "I didn't know who to call."

Dungan wrote that he "believes the assigned personnel at NRS Wichita West were engaging in the consumption of alcoholic beverages during the 'normal' workday."

"But as previously stated, without sufficient documentation or evidence...it is extremely difficult to hold them accountable based on current stated policy," he wrote.

Dungan's probe also raised questions about whether "the increased intake of alcoholic beverages" was a sign of a systemic "coping mechanism for the stress of recruiting duty."

During the investigation, a petty officer first class contacted Dungan "to provide a larger degree of credibility to YN3 Bayless (sic) accusations," according to the investigation report.

That petty officer reported seeing the chief and first class drinking while out at lunch "on a regular basis," and that he saw them "abuse prescription medications" when he was still with Navy Recruiting Station Wichita-West, according to the investigation.

But the sailor also noted that he could not definitively say whether the drugs were being used in their intended manner and declined to submit a written statement, according to the report.

The investigating officer also warned of "specific items of concern noted during the investigation that may be reflective of stress induced self-destructive behaviors" and "borderline misconduct."

The report noted that a close relative "known to have chronic conditions" requiring "major surgery" might have supplied the petty officer first class with the pills, circumstances that "make it very plausible that YN3 Bayless's (sic) statement is accurate and credible."

In the end, Dungan only substantiated one drug-related allegation involving the first class, who admitted to taking a hydrocodone pill because he suffered from chronic pain.

That first class also stated his doctor would no longer prescribe him opioids, according to the investigation.

Dungan wrote there was a "high probability" that the first class "was suffering from a substance dependency with medication and alcohol to cope with his personal stress coupled with operational stress" and that he was seeking help at the nearby McConnell Air Force Base.

The investigation failed to reach a conclusion about the allegations lodged by Bayless that CMC Robinson pressured her to recant during a meeting.

"There may have been an appearance of an effort (either deliberate or unintentional) to question the validity of YN3 Bayless' initial allegations or to persuade her she did not witness the alleged abuse of prescription medications," Dungan wrote.

Dungan noted that Bayless felt "being in a confined space" with Robinson and another master chief was intimidating.

He recommended that the yeoman's lower echelon chain of command communicate with her going forward.

<https://www.mcclatchydc.com/news/policy/article229485094.html>

Many of the arguments Schlafly and her allies used to prevail in 1982 hold the same power in state politics today, chief among them that ratification would strengthen the right to abortion. Under consideration in this year's legislative session are some of the most restrictive anti-abortion bills in the country.

But with less than a month left before adjournment, ERA proponents still have hope.

[A Senate resolution urging ratification](#), sponsored by state Sen. Jill Schupp, D-St. Louis, had a hearing April 2 in the Joint Rules, Resolutions and Ethics Committee. But it won't come up for a vote unless Schupp can persuade four of the seven senators on the committee - all but one of them men - to pass it on to the full Senate.

"I have talked to Sen. Schupp and asked her to talk to the committee and figure out where the vote count is," state Sen. Caleb Rowden, the committee chair and Senate majority floor leader, told reporters Thursday. "So we'll see."

As of Thursday, Schupp said she thinks she needs one more vote.

At the hearing, national advocates of the ERA contended with one of Jefferson City's most powerful lawmakers: Senate President Pro-Tem Dave Schatz.

It didn't go well for amendment supporters.

The hearing opened with testimony from filmmakers Kamala Lopez and Natalie White, whose 2016 documentary, [Equal Means Equal](#), brought renewed national attention to the movement.

"If you are truly a Christian, you vote yes on the ERA," White, who identified as a Christian, said during her testimony. "And if you vote 'no,' stop calling yourself a Christian."

"What would Jesus do on abortion?" an irate Schatz said. "The majority of this is about abortion. I know what Jesus would do in this realm."

PING PONG, NOT BASKETBALL

Growing up in Lee's Summit in the 1950s, McGowan would listen to her grandmother's stories of being a suffragette. She recalled her amazement that it was 1921 before women were granted the right to vote.

"My grandmother told me, 'You must continue the rest of your life to fight for equality for women,'" McGowan said.

In high school she was a standout basketball player. But with no women's team, she competed instead for the state ping pong championship.

When McGowan went to the University of Kansas, women leaving campus for the weekend, but not men, had to sign out. As a sixth-grade teacher with a master's degree, she watched less accomplished men make many times what she was paid.

As a city council member in Webb City, one disagreement with a male colleague ended in him calling her "sugar." Looking down at her hands, she realized that she'd clenched a fist.

"I almost hit him," she said. By then, McGowan was all in for the ERA.

When Kansas passed the ERA in March 1972, less than a year after it was first sent to the states, McGowan thought Missouri would soon follow. She didn't count on Phyllis Schlafly.

She was already a force in conservative politics. The Radcliffe-educated St. Louis native became a best-selling author in 1964 with the publication of "A Choice Not an Echo," a book that called out the GOP's

<https://www.mcclatchydc.com/news/policy/article229485094.html>

eastern elite and was credited with helping boost Sen. Barry Goldwater to the Republican presidential nomination.

Schlaflly became one the ERA's most vociferous critics, asserting that it would break down the traditional family unit, force women to get jobs and subject them to the draft.

In 1973, when it was first introduced in Missouri, the ERA enjoyed the backing of Republican Gov. Kit Bond and the House speaker and majority floor leader, both Democrats. A House subcommittee held sex discrimination hearings in eight Missouri counties, and in later years the Missouri Coalition for Equal Rights, along with powerful union groups, worked to fund-raise, write letters and lobby, according to McGowan.

But the measure had as much bipartisan opposition as it did support.

Under pressure from Schlaflly acolytes, the only female member of the Missouri Senate at the time, Mary Gant, a Kansas City Democrat, opposed the amendment. Her position gave political cover to other members, who were able to block it from coming to the floor or vote it down if it did.

Twenty-two states ratified the ERA within that first year. But the movement stalled at 35 states before the original deadline of 1979, a near-miss largely credited to Schlaflly's advocacy. Five states later passed resolutions rescinding their ratification, although legal scholars say it is not clear such rescissions are valid.

Even after Congress extended the deadline to 1982, proponents were unsuccessful.

While it languished, Schlaflly continued as a powerhouse. In 2016, just weeks before her death at the age of 92, she was a Missouri delegate to the Republican National Convention and an outspoken supporter of nominee Donald Trump.

'ONCE THEY UNDERSTAND, THEY ARE ON BOARD'

ERA proponents say the issue now has a new moment, powered by #MeToo and #TimesUp, which have elevated awareness of sexual harassment and assault faced by women.

Organizers of Project 28 Missouri, named for the goal of making ERA the 28th Amendment, say they have built a coalition of at least 50 groups across the state with representatives at all of the University of Missouri system colleges.

"Young women feel awakened and that feeling's not going to change," campaign coordinator Erica Benson said.

Yet, educating young people has been one of the movement's biggest challenges. Benson, 34, a Kansas City-area teacher, said many of her students believe the ERA was already ratified or had not heard of its complicated history.

"Once they understand, they are on board," Benson said.

A coalition-hosted rally last week in Jefferson City drew just 60 supporters, ranging in age from high school to veterans of the 1970s and 1980s ERA campaigns. Benson blamed the low attendance on scheduling the rally for Thursday morning, based on when legislators were in session.

One speaker reminded the crowd that Schlaflly - the name was booed - wasn't Missouri's only tie to the ERA.

Michigan Congresswoman Martha Griffiths, who was pivotal in pushing the ERA through Congress in 1972, was born and raised in Pierce City and graduated from the University of Missouri, according to Sherry Buchanan.

<https://www.mcclatchydc.com/news/policy/article229485094.html>

“She has been called by some - this Missouri native - the mother of the ERA,” Buchanan, of Joplin, said. “There are others who can share that name but I’m very proud of that designation.”

McGowan, who had run for state senate as a Democrat last year in the district that covers Jasper and Newton counties, said she was asked by the coalition to focus her efforts on the ERA once she lost the race. She didn’t hesitate.

LINGERING QUESTIONS

In recent years, bills to recommend ERA ratification have been filed regularly in the General Assembly, but last year was the first time one received a hearing.

This April’s hearing explored several major questions surrounding the amendment’s prospects. How binding is the 1982 deadline? Don’t women already have protection through the 14th Amendment’s equal protection clause? What would its actual effect be?

Schupp noted that constitutional amendments have been adopted far past their introduction date. The last amendment added to the Constitution, the 27th, which says that any pay raises Congress may vote itself are effective only after the next election, was introduced in 1789 and ratified in 1992. It did not, however, have the 7-year expiration date established by Congress that the ERA did.

And while the courts began to construe the 14th Amendment in the ‘70s to prohibit sex discrimination, it doesn’t guarantee equality under the law, according to proponents.

“When we are not recognized as equals under the Constitution, we are subject to the political whim or the inclination of those in power,” Schupp said.

In the end, abortion casts the longest shadow over the ERA debate.

In the hearing, Susan Klein of Missouri Right to Life and Noreen McCann of the Missouri chapter of Phyllis Schlafly Eagles told committee members that if they didn’t believe the ERA strengthened abortion rights, pro-choice groups did.

Klein quoted a March fund-raising email from NARAL to prove her point: “With its ratification, the ERA would reinforce the constitutional right to abortion by clarifying that the sexes have equal rights which would require judges to strike down anti-abortion laws because they violate both the constitutional right to privacy and sexual equality.”

Klein mentioned that pro-choice advocates cited similar language to the ERA that states had placed within their constitutions to challenge abortion restrictions and funding, specifically citing a 1998 New Mexico Supreme Court case.

Schupp called the line of thought “fear-mongering.”

She said that of the 12 states that have had their abortion laws challenged on the grounds of the state ERA, the only case in which pro-choice advocates were successful was New Mexico. Judges ruled that state Medicaid was required to fund medically necessary abortions and declined to weigh in on whether reproductive choice was an inherent right because of the state ERA.

If the ERA survives legal challenges post-ratification, there isn’t a consensus on what its long term impact would be.

But the immediate effect would be symbolic. Hugely so, say supporters.

“We have a chance to send a message to 50.9 percent of the state,” Schupp said, referring to Missouri’s female majority.

<https://www.mcclatchydc.com/news/policy/article229485094.html>

The year the ERA seemingly died, McGowan left teaching and started a performing arts preschool. Her thought: If she owned a business, no one can discriminate against her.

She was wrong. Women weren't invited to be part of the local chamber of commerce or local chapter of Rotary International.

When she became the Webb City mayor in 1984, the men on the city council proposed a 3 percent raise for male employees, but not for the female employees. They told McGowan that the male city employees needed to support a whole family and needed the raise.

McGowan had to circulate a petition to secure the same raise for the women.

"I've seen huge changes in my lifetime," she said, "but they are not protected in the United States Constitution."

In California National Guard, whistleblower claims of retaliation go beyond Fresno

By Alene Tchekmedyan and Paul Pringle

The Los Angeles Times, April 23, 2019



Dwight Stirling, a reserve judge advocate with the California National Guard, alleges he faced reprisals after reporting that unlicensed attorneys were working for the guard. (Mark Boster / For the Times)

Allegations of retaliation against whistleblowers in the California National Guard are more widespread than the [complaints made at a Fresno air base](#) that led to a dramatic leadership shakeup of the organization earlier this month, The Times has found.

Interviews with current and former Guard members and an examination of internal documents show that complaints go well beyond Fresno and extend to the army side as well. The allegations have come from fighter pilots, a top military prosecutor, Special Forces officers and a colonel who hoped to head the organization.

They allege a pattern of both [retaliation against whistleblowers](#) and others who accuse their superiors of misconduct and a failure of the Guard's justice system to protect them.

“When a person blows the whistle on wrongdoing, they face almost a guarantee of retaliation,” said Dwight Stirling, a reserve judge advocate who heads the Center for Law and Military Policy and alleges he was targeted for investigation after he reported possible misconduct five years ago. “It’s meant, as in all cases of retaliation, to send a message that if you hold the managers to account, if you bring to light their misconduct, that they’re going to make you pay for it.”

After a Times investigation detailed whistleblower complaints and other misconduct allegations at the 144th Fighter Wing in Fresno, an inspector general for the California Military Department, which oversees the air and army branches of the Guard, [found that a culture of reprisal afflicted the wing](#).

The problems led to the [recent ouster](#) of the air Guard's top commander and two high-ranking officers at the Fresno base. The department also directed the air Guard's new commander to put together “climate assessments” of the wing leadership.

In the wake of The Times' reporting, state Sen. Tom Umberg (D-Santa Ana) has proposed stronger protections for whistleblowers in the Guard, something he had tried to do more than a decade ago — without success — while in the state Assembly.

A bill Umberg introduced in February would require the Military Department's inspector general to report to the governor instead of the adjutant general who leads the organization, his office said. Umberg, a retired U.S. Army colonel, is also pushing to include a provision that would allow whistleblowers to sue for economic damages.

“I’m certainly troubled by the acts that I’ve read about,” Umberg said. “As a career military officer, it’s antithetical to the culture of the military, which demands respect for all military members.”

A hearing on the bill is scheduled for Tuesday.

[Someone urinated in a female sergeant's boots. Now the California Air National Guard faces coverup allegations »](#)

<https://www.latimes.com/local/lanow/la-me-ln-california-air-national-guard-whistleblower-retaliation-20190423-story.html>

The Military Department could not provide complete numbers on alleged reprisals in California, so it's difficult to quantify the scope of the problem, including whether it has been growing. The department declined to comment on the multiple reprisal accusations.

In all but one of the last five years, the number of complaints reported to the National Guard Assn. of California, a nonprofit veterans group which is backing Umberg's bill, has increased or stayed the same, averaging more than a half-dozen annually in recent years, said its legislative director, retired Col. John Haramalis.

His review of them shows the allegations routinely are given a cursory investigation, if any, then swept under the rug, he said.

Haramalis, who said he once interviewed with then Gov. Jerry Brown to lead the Military Department, had his own experience with making a reprisal complaint.

He alleges that the head of the Military Department, Maj. Gen. David S. Baldwin, improperly blocked him from transferring to another state to prevent him from promoting. When Haramalis complained, he said, Baldwin questioned senior officers at the National Guard Bureau for negative information to use against him.

Inspectors general for the Department of Defense and each military service are responsible for investigating misconduct and whistleblower complaints.

"You either get no investigation or a sham investigation," said Haramalis, who spent more than three decades in the Guard. "The end results are identical — case closed with no further action. By shielding Guard senior leadership from any consequences of their actions, the IG has become the enabler of the very misconduct they were supposed to address. The system has completely collapsed."

Michael Wise says that's what happened in his case. Wise, a state deputy attorney general, retired from the Guard's Special Forces last year as a colonel and decorated combat veteran. He said he faced retaliation for supporting a major in his command who reported that soldiers were short-changed because of persistent problems in the Guard's payroll system.

Wise and the major, John Trent, said the Guard accused them of improperly recommending denial of a soldier's request for a transfer to another state, which would allow him to avoid a combat deployment overseas. Wise and Trent filed inspector general complaints alleging reprisals.

"They dismissed my IG complaint without interviewing my witnesses," Wise said. "The IG system as a whole has been absolutely worthless. ... Whistleblowers are not tolerated in the Guard, that's the bottom line."

Trent said he is still pursuing his case. He said the decision to challenge his superiors ended his chances of promotion to lieutenant colonel, even though he's the most-senior major in the Guard's Special Forces. The last time he applied, Trent said, a lesser qualified candidate got the position.

"They have a good ol' boy system in place, and anything that attacks that system, they're going to defend against with all their might," he said.

"Once they were called on the carpet for that pay issue, they just retaliated against me and attempted to end my career."

At the 144th Wing, at least five Guard members, including a [pilot who was killed in October](#) in a crash during a training mission in Ukraine, have filed retaliation complaints, The Times found. Two of the complaints stemmed from a March 2015 incident in which Staff Sgt. Jennifer Pineda found that someone at the Fresno base had urinated in the boots she had left in a bathroom overnight.

<https://www.latimes.com/local/lanow/la-me-ln-california-air-national-guard-whistleblower-retaliation-20190423-story.html>

The incident and its aftermath fueled suspicions that high-ranking officers mishandled two investigations to find the perpetrator and tried to bury the episode to protect someone who may have been involved, according to interviews and Guard records obtained by The Times.

Pineda and Lt. Col. Rob Swertfager, a pilot who spoke up for her, filed complaints.

The Times investigation [led to the removal earlier this month of Maj. Gen. Clay Garrison](#), the top commander of the air Guard. He was pushed out because the Military Department had lost “faith, trust and confidence” in his ability to lead, a spokesman said. [Two 144th commanders](#) — Col. Dan Kelly and Col. Victor Sikora — were also ousted.

A report by the Military Department’s inspector general said there’s at least “the perception of reprisal” at the 144th. The new commander of the air Guard, Brig. Gen. Greg Jones, was instructed to work to “restore the confidence and trust in the IG system” at the Fresno base.

Stirling said he wrestled with a similar lack of confidence and trust.

“I’d say the vast majority of people who know about wrongdoing don’t dare to say a word,” Stirling said. “They are faced with a conflict of, do they do what’s right and blow the whistle? Or do they look out for their career and their livelihood?”

He enlisted in the Army Guard after the Sept. 11 attacks, eventually becoming its head prosecutor.

Supervisors praised him in evaluations as having “limitless” potential and being “more than a first-rate” judge advocate, according to his evaluations.

He said that all changed in 2014, when he reported that a handful of military lawyers in the Guard were not licensed to practice law in the state. One had failed the bar exam in California, Stirling said, but later passed it in South Dakota. He was then hired as a judge advocate in the California Guard.

“That’s just blatantly against the rules,” Stirling said. He took his complaint to the state bar that year.

Within months, he said, he was put under a sham investigation. Three years went by, he said, before he’d learned the details of the inquiry, which barred him from promotions while it remained open.

Stirling said he never was given an opportunity to challenge the allegations, which focused on a court-martial where he and his supervisors sought the immediate imprisonment of a soldier convicted of sexual assault.

He said the judge who signed off on the incarceration later launched an investigation into Stirling and accused him of failing to disclose that case law prohibited the judge from imprisoning the soldier without first getting approval from the commander who convened the court martial.

Stirling said the judge himself should have known about the law, but cleared himself of wrongdoing and blamed Stirling instead. Stirling said he received a career-blunting letter of reprimand.

“I was on the way up. All my evaluations were outstanding,” he said. “I report the use of attorneys who are unlicensed, and the whole trajectory of my career starts to take a tailspin.”

He filed a whistleblower complaint, he said, but no one investigated it.

Google Employees Say They Faced Retaliation After Organizing Walkout

By Kate Conger and Daisuke Wakabayashi

The New York Times, April 22, 2019



A Google employee protest in November in San Francisco. Two workers who called for a walkout over Google's treatment of sexual harassment said they had been demoted or told that their role would change. (Credit: Eric Risberg/Associated Press)

SAN FRANCISCO — Two Google employees, Claire Stapleton and Meredith Whittaker, helped [organize a 20,000-person walkout from the company](#) last November. Now they say they have paid a price for their actions.

In a letter shared internally with co-workers on Monday and reviewed by The New York Times, Ms. Stapleton, a marketing manager at YouTube, said Google had demoted her after she urged colleagues to walk out from the company last year over its treatment of sexual harassment. Ms. Whittaker, an artificial intelligence researcher, said in the letter that she had also been “informed my role would be changed dramatically.”

In addition to the demotion, Ms. Stapleton said, Google instructed her to take medical leave even though she was not sick, according to the letter. And Ms. Whittaker said she had been told to abandon her external work at New York University, where she runs research on artificial intelligence and ethics for the university's A.I. Now Institute.

Ms. Stapleton said she had hired a lawyer and reversed the demotion. Ms. Whittaker did not address whether her role had ultimately changed.

“Only after I hired a lawyer and had her contact Google did management conduct an investigation and walked back my demotion, at least on paper,” Ms. Stapleton wrote in the letter. “While my work has been restored, the environment remains hostile and I consider quitting nearly every day.”

“We prohibit retaliation in the workplace, and investigate all allegations,” a Google spokeswoman said. “Employees and teams are regularly and commonly given new assignments, or reorganized, to keep pace with evolving business needs. There has been no retaliation here.”

The letter was [earlier reported](#) by Wired.

In October, The [Times reported](#) that Google had provided a \$90 million exit package to Andy Rubin, the creator of the Android mobile operating system, after an accusation of sexual harassment against him was found to be credible. The lavish payment after the misconduct outraged Google's employees. The company's top executives later apologized and revealed they had fired 48 people for sexual harassment over the past two years, with none receiving an exit package.

But the apologies did not calm employees' disquiet. Ms. Stapleton and Ms. Whittaker, along with other colleagues, [called for employees to walk out of the company for a day](#) in protest. At the time, Ms. Stapleton said in an interview that The Times article had “turned the lights on on the bias, discrimination and systemic inequality women and other groups experience very viscerally at Google.”

On Nov. 1, about 20,000 Google employees left work in locations across the world, including Berlin, Chicago, London, Seattle, Singapore, Zurich and Hyderabad, India, as well as the company's headquarters

<https://www.nytimes.com/2019/04/22/technology/google-walkout-employees-retaliation.html>
in Mountain View, Calif. Some carried signs that said, “O.K. Google, really?” and chanted: “Stand up! Fight back!” Some of the employees talked publicly about how they also faced sexual harassment at work. Afterward, Google said it would [end its practice of forced arbitration](#) for claims of sexual harassment.

More than 300 other employees have shared stories of retaliation since the walkout, Ms. Stapleton and Ms. Whittaker wrote in their letter. They said they planned to share their stories of retaliation at a company meeting on Friday.

“I think it’s pretty straightforward,” said Amr Gaber, a software engineer at Google who helped organize the walkout. “Google has never treated them this way, and then the walkout happened. Now they’re having to deal with being told their work is no longer valuable.”

The meeting on Friday will allow others to speak up about their experiences, Mr. Gaber said. “If we can’t fight fear, then people aren’t going to speak up and we’re not going to listen to the voices that need to be heard,” he said.

Follow Kate Conger and Daisuke Wakabayashi on Twitter: [@kateconger](#) and [@daiwaka](#).

Supreme Court to take up LGBT job discrimination cases

By Mark Sherman

The Associated Press, April 22, 2019



In this Oct. 4, 2018 file photo, the U.S. Supreme Court is seen at sunset in Washington. The Supreme Court will decide whether the main federal civil rights law that prohibits employment discrimination applies to LGBT people. The justices say Monday they will hear cases involving people who claim they were fired because of their sexual orientation. (AP Photo/Manuel Balce Ceneta)

WASHINGTON (AP) — The Supreme Court is taking on a major test of LGBT rights in cases that look at whether federal civil rights law bans job discrimination on the basis of sexual orientation and gender identity.

The justices said Monday they will hear cases involving people who claim they were fired because of their sexual orientation and another that involves a funeral home employee who was fired after disclosing that she was transitioning from male to female and dressed as a woman.

The cases will be argued in the fall, with decisions likely by June 2020 in the middle of the presidential election campaign.

The issue is whether Title VII of the federal Civil Rights Act of 1964, which prohibits sex discrimination, protects LGBT people from job discrimination. Title VII does not specifically mention sexual orientation or transgender status, but federal appeals courts in Chicago and New York have ruled recently that gay and lesbian employees are entitled to protection from discrimination. The federal appeals court in Cincinnati has extended similar protections for transgender people.

The big question is whether the Supreme Court, with a strengthened conservative majority, will do the same. The cases are the court's first on LGBT rights since the retirement of Justice Anthony Kennedy, who authored the court's major gay rights opinions. President Donald Trump has appointed two justices, Neil Gorsuch and Brett Kavanaugh.

The justices had been weighing whether to take on the cases since December, an unusually long time, before deciding to hear them. It's unclear what caused the delay.

The Obama administration had supported treating LGBT discrimination claims as sex discrimination, but the Trump administration has changed course. The Trump Justice Department has argued that Title VII was not intended to provide protections to gay or transgender workers. The administration also separately withdrew Obama-era guidance to educators to treat claims of transgender students as sex discrimination.

The justices will take up three cases in the fall.

In one, the federal appeals court in New York ruled in favor of a gay skydiving instructor who claimed he was fired because of his sexual orientation. The full 2nd U.S. Circuit Court of Appeals ruled 10-3 that it was abandoning its earlier holding that Title VII didn't cover sexual orientation because "legal doctrine evolves."

The court held that "sexual orientation discrimination is motivated, at least in part, by sex and is thus a subset of sex discrimination."

The ruling was a victory for the relatives of Donald Zarda, who was fired in 2010 from a skydiving job in Central Islip, New York, that required him to strap himself tightly to clients so they could jump in tandem from an airplane. He tried to put a woman with whom he was jumping at ease by explaining that he was gay. The school fired Zarda after the woman's boyfriend called to complain.

<https://apnews.com/be82bc96f46e4eb7a6d5de807210b30f>

Zarda died in a wingsuit accident in Switzerland in 2014.

The second case is from Georgia, where the federal appeals court ruled against a gay employee of Clayton County, in the Atlanta suburbs. Gerald Bostock claimed he was fired in 2013 because he is gay. The county argues that Bostock was let go because of the results of an audit of funds he managed.

The 11th U.S. Circuit Court of Appeals dismissed Bostock's claim in a three-page opinion that noted the court was bound by a 1979 decision that held "discharge for homosexuality is not prohibited by Title VII."

The third case comes from Michigan, where a funeral home fired a transgender woman. The [appeals court in Cincinnati ruled](#) that the firing constituted sex discrimination under federal law.

The funeral home argues in part that Congress was not thinking about transgender people when it included sex discrimination in Title VII.

The law prohibits employment discrimination on the basis of "race, color, religion, sex or national origin."

Congress could change civil rights law to specifically include LGBT people, supporters of the employers in these cases say. But such a change is unlikely to become law with Republicans in charge of the Senate and Trump in the White House.

"Neither government agencies nor the courts have authority to rewrite federal law by replacing 'sex' with 'gender identity,'" said John Bursch, a lawyer with Alliance Defending Freedom, which represents the funeral home.

Sarah Warbelow, the legal director for Human Rights Campaign, urged the Supreme Court to join a growing legal consensus "that our nation's civil rights laws do protect LGBTQ people against discrimination under sex nondiscrimination laws."

Follow Mark Sherman on Twitter: <https://www.twitter.com/shermancourt>

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SEE ALSO:

[U.S. Supreme Court takes up major gay, transgender job discrimination cases](#) [Reuters, 2019-04-23]
[Supreme Court agrees to decide if sexual orientation, gender identity should get federal job protection](#)
[USA TODAY, 2019-04-22]

Diversity

DOD Officials Make Case for Keeping the Draft, Women Included

By Patricia Kime

Military.com, April 24, 2019



The all-female formation salutes during the national anthem at the base retreat ceremony at Eglin Air Force Base, Fla., March 30, 2017. (U.S. Air Force photo/Samuel King Jr.)

The Selective Service System is an "inexpensive insurance policy" against a national emergency and should be modified to include women, a senior Defense Department official implied Wednesday during a hearing on the future of draft registration in the U.S.

Asked whether [requiring women to register](#) for a potential draft would "result in a more lethal military," Assistant Secretary of Defense for Manpower and Reserve Affairs James Stewart avoided answering the question directly, instead pointing out that all military occupations are now open to men and women and the military basically looks "for standards."

"As long as those individuals meet standards, we are open to them," Stewart said.

But when Jeanette James, a member of a federal commission studying the future of the draft and a former professional House Armed Services Committee staff member, pressed Stewart, pointedly asking, "So am I hearing, 'Yes, it would lead to increased lethality in the military?'" Stewart replied without hesitation: "It is, already."

Until now, the Defense Department has stayed silent on the proceedings of the National Commission on Military, National and Public Service, which is conducting a three-year review of public service in America, considering whether the U.S. needs the Selective Service System and if women should be required to register.

The group also is weighing the options for youth volunteerism and national service in America, reviewing all public service alternatives, including the armed forces, AmeriCorps, the Peace Corps and federal employment.

As part of its review, the panel has held public hearings with subject-matter experts and those who have a vested interest in the issues, including military and government officials, educators, national security analysts, veterans, peace activists, theologians and more.

On Wednesday, the panel heard from DOD officials and defense experts on the potential need for a mass mobilization of military forces. Members were told that the Selective Service System not only provides a means to support a military draft, it demonstrates the country's commitment to sovereignty and serves as a deterrent to potential adversaries.

Pointing out that China and Russia are investing heavily in military expansion, the officials said the potential for global conflict exists and the Selective Service System would provide a valuable tool for an unimaginable national emergency.

"At \$23 million a year, it's an inexpensive insurance policy," Stewart said.

"While the present Selective Service System is hardly the robust deterrent it is meant to be, potential adversaries would take notice if the U.S. declares the prospect of an expansive national mobilization

<https://www.military.com/daily-news/2019/04/24/dod-officials-make-case-keeping-draft-women-included.html>

unlikely or too hard," Loren DeJonge Schulman, deputy director of studies at the Center for a New American Security, told panel members. "That we cannot predict the event that would demand a draft is no reason to discard it altogether."

Earlier this year, the commission released an interim report explaining its processes and providing insight into its focus, which includes providing incentives for students to enter public and civil service, making recommendations for improving civic education and promoting a culture of service in the U.S.

Its main mission, however, is to examine the Selective Service System, whether it's needed and if all Americans should be required to register.

Pentagon officials on Wednesday defended its existence, saying it provides a "mobilization option to address any threat" but adding that it provides a number of intangibles.

According to Stewart, Selective Service registration serves as a reminder of the importance of military and public service and, since it is overseen by a government agency independent of the Defense Department, it "reinforces the public's perception of the integrity of the draft process."

It also provides the U.S. military information on potential recruits, providing 75,000 to 80,000 recruiting leads a year, Stewart said.

Yet the system is not perfect, they added. Schulman said changes in warfare, how the U.S. conducts war and its needs in a future conflict may not be met by a draft basically geared to providing basic labor and unskilled manpower to the military in the event of an emergency.

"Americans might reasonably ask why it is necessary to reform or replace a conscription system for a government that has not first done its homework or even engaged the American people on what threats and scenarios keep the government up all night," Schulman said.

Several panelists argued that even though the U.S. has not conducted a draft in more than 40 years, the system should be maintained and improved, given China and Russia's pursuit of military superiority.

According to Elsa Kania, an adjunct senior fellow at the Center for a New American Security's Technology and National Security Program, China is aggressively pursuing military excellence, to include improving education for its officers, developing technology, building bases overseas and emphasizing defense education among its student population.

China and its citizens, she said, are invested in developing the nation as a superpower -- a unified front that drills down to individual citizens through exercises and mobilization plans.

Like China, she added, the U.S. should encourage its youth to serve, either in the military or through public service, to build a nation invested in its future.

"The full and equal participation of women throughout the military, including the selective service system, should be recognized as an imperative," Kania said. "[And] the ongoing [implementation of a ban](#) excluding, even discharging, transgender service members not only is wrong, it wrongly deprives the U.S. military of their talent and dedication to service."

The commission's meetings come as the Trump administration continues to fight a legal challenge from two men who sued the federal government for what they say is a system that discriminates against men.

The Justice Department on Monday [appealed](#) a Texas judge's [ruling](#) that the country's male-only draft registration system is unconstitutional. Houston-based Judge Gray Miller ruled in February that the U.S.

<https://www.military.com/daily-news/2019/04/24/dod-officials-make-case-keeping-draft-women-included.html>

government's requirement that only male citizens register is discriminatory under the Fifth Amendment's equal protection clause.

The commission will meet again Thursday at Gallaudet University in Washington, D.C., to hear testimony from those opposed to expansion of the Selective Service System. The hearing will be livestreamed on the commission's [web page](#).

-- *Patricia Kime can be reached at Patricia.Kime@Military.com. Follow her on Twitter at [@patriciakime](https://twitter.com/patriciakime).*

SEE ALSO:

[Three looming questions on the Selective Service System's future](#) [*Military Times*, 2019-04-25]

[Trump administration appeals ruling finding that the male-only draft is unconstitutional](#) [*USA TODAY*, 2019-04-23]

[Government Appeals Judge's Ruling That Found Male-Only Draft Unconstitutional](#) [*Military.com*, 2019-04-23]

[The case for keeping military draft registration](#) [*Military Times*, 2019-04-22] [OPINION]

National Guard in California, Nevada, Washington State, Oregon, and New Mexico Defy Trump's Trans Troops Ban

Nevada, Washington State, and Oregon have joined California and New Mexico in allowing trans people to continue to serve in the National Guard, defying Trump's ban.

By Samantha Allen

The Daily Beast, April 25, 2019



Photo Illustration by The Daily Beast/Getty

The Nevada, Washington State, and Oregon National Guards will continue to allow transgender people to serve.

As [the Trump administration's transgender troop ban](#) enters its second full week of being in effect, these three states have told The Daily Beast that they will join two others—[California](#) and [New Mexico](#)—who have said that [transgender](#) people will continue to be able to serve in their National Guard organizations.

“The State of Nevada does not discriminate against anyone, including and especially servicemembers, based on gender identity or expression,” Helen Kalla, communications director for Nevada Gov. Steve Sisolak, told The Daily Beast. “Governor Sisolak believes the only criteria to serve in the Nevada National Guard is one’s readiness to serve.”

Oregon Gov. [Kate Brown](#) told The Daily Beast that she is “appalled that the Supreme Court is delivering an intentional blow to civil rights by supporting a push from the Trump Administration to bar transgender people from serving in the military.”

“I will use every option available to ensure that every eligible Oregonian, regardless of gender identity, can serve their state and country,” Gov. Brown added.

A spokesperson for Washington State Gov. Jay Inslee told The Daily Beast that his office “stands in solidarity with transgender Americans across the country in opposing this policy and won’t stop fighting until it is defeated.”

“Until then, we will continue to welcome transgender service members to the greatest extent possible under the rules,” the spokesperson added. “It’s our understanding that is what New Mexico is doing as well.”

All 50 states—and four U.S. territories—have their own National Guard units that are primarily under gubernatorial control. That chain of command could allow individual governors to challenge—or at least test the limits of—[the Trump administration's newly-implemented policy](#), which disqualifies recruits with gender dysphoria while [threatening most currently-serving transgender people with the risk of discharge](#).

As [The Hill reported](#) shortly after the transgender troop ban went into effect on April 12, Maj. Gen. Matthew Beavers of the California National Guard said that gender identity “is the least of our concerns.”

He added that California will not only work to “bring transgender individuals in under the current policy” but also that “every transgendered soldier or airmen currently serving in the California National Guard will remain in our ranks.”

“Further,” Maj. Gen. Beavers [noted](#), “we will not treat any soldier or airman any differently today than we did yesterday.”

<https://www.thedailybeast.com/nevada-national-guard-joins-california-and-new-mexico-to-defy-trumps-trans-troops-ban>

Then, on April 20, a spokesperson for New Mexico Gov. Michelle Lujan Grisham [confirmed to local TV station KOB4](#) that transgender service will still be permitted within the state's National Guard, making it the second state to buck against the intention of the Trump administration's ban in this fashion.

Reached for comment, Gov. Lujan Grisham's communications director Tripp Stelnicki told The Daily Beast, "We're not interested in auditing any individual's fitness to serve on the basis of gender identity."

Now, the addition of Nevada, Washington and Oregon makes five. All five of these states have Democratic governors. All five also number among [the minority of states that have non-discrimination protections for transgender people](#) in the areas of employment, housing, and public accommodations. Combined, the five states boast a total of over 40,000 people serving in their National Guard organizations.

(The Daily Beast has reached out to several other governors' offices for comment on their handling of transgender service within their respective National Guard organizations and will update this story as they respond.)

SPART*A, an [organization that supports transgender service members](#), told The Daily Beast that they are pleased by the growing number of states who are pressing opposition to the transgender troop ban in this manner.

"SPART*A supports any and all organizations, including military organizations, that stand against discrimination and encourage the best and the brightest to serve our nation," SPART*A communications director B Fram told The Daily Beast. "[These states] and the nation will benefit from retaining, and hopefully accessing, all who are qualified, regardless of gender identity."

It is currently unclear how—or if—the Department of Defense will respond to individual states announcing that transgender service can continue within their respective National Guard organizations. Reached for comment, a DOD spokesperson referred The Daily Beast to spokespeople for the United States Army who, in turn, did not immediately respond to request for comment.

Also unclear is how these states—California, New Mexico, and Nevada—will skirt the Trump administration's policy. Maj. Gen. Beevers, for example, [told The Hill](#)—a bit cryptically—that the California National Guard will "exercise every available avenue inside the policy and out, to ensure transgendered people who want to serve the California National Guard are afforded the opportunity to serve."

(The California National Guard did not immediately provide further clarification to The Daily Beast after being reached for comment.)

Gov. Jay Inslee's spokesperson did seem to acknowledge that the Trump administration's policy could pose certain limitations: "As a branch of the U.S. military, the National Guard is subject to the same federal eligibility rules everywhere."

Elsewhere, however, the impact of the transgender troop ban is continuing to make itself known: [the Naval Academy will ban transgender students in 2020](#), as [will the Air Force Academy](#). The Coast Guard Academy, as [the Associated Press reported](#), will also turn away transgender applicants.

This on top of signs that the Trump administration's policy is already taking a human toll: [Map Pesqueira](#), a University of Texas at Austin freshman and a transgender man, revealed last week that he had lost his military scholarship because he had undergone transition-related medical care. Pesqueira has since been able to raise over \$25,000 through a GoFundMe to help cover school expenses.

<https://www.thedailybeast.com/nevada-national-guard-joins-california-and-new-mexico-to-defy-trumps-trans-troops-ban>

As military academies fall in line with the policy, five states have now reiterated that they will continue to find ways to welcome transgender people into their National Guard organizations. Time will tell if that number grows further.

SEE ALSO:

[4 state National Guards have joined California in defying Trump's transgender military ban](#) [*Task & Purpose*, 2019-04-24]

[Five states to allow transgender troops to serve in National Guard despite Trump ban](#) [*The Hill*, 2019-04-24]

Trump administration prepares a rule civil rights groups worry may deny care to transgender patients

U.S. “has returned to its long-standing position” that sex discrimination does not include gender identity, a court filing says

By Ariana Eunjung Cha

The Washington Post, April 24, 2019

Trump administration officials are working on a new rule that civil rights organizations fear could essentially blow up the nondiscrimination protections of the Affordable Care Act for LGBTQ individuals and make it easier for hospitals, physicians or insurers to deny care or coverage to transgender people for religious reasons.

The debate centers on the word “sex” as it applies to those provisions. Some faith-based health-care organizations protested in 2016 when President Barack Obama’s Health and Human Services Department interpreted the term to include gender identity and transgender people as protected classes.

They worried they could be forced to provide surgery, medications or other care to help transgender people transition to the opposite sex — and several groups filed suit, arguing it violated their religious freedoms.

This month, as part of an 18-page filing in a Texas lawsuit, Trump administration officials at HHS said that they agree the Obama-era rule is illegal and they are rewriting it.

“The United States has returned to its long-standing position that the term ‘sex’ . . . does not refer to gender identity,” HHS attorneys wrote.

The issue of whether federal nondiscrimination laws apply to sexual orientation and gender identity is one of the most consequential, unsettled civil rights questions of our era. The [Supreme Court](#) on Monday jumped into the debate, announcing it had accepted three cases involving gay and transgender employees and related to anti-discrimination laws in employment.

The potential new HHS rule is part of a broader effort by social conservatives in the Trump administration to change the language around LGBTQ people in official documents, regulations and the law to represent more traditional views on relationships and rights. This includes adding references to “marriage between man and woman” and removing terms such as gender rights.

HHS officials declined to comment for this report. But earlier this month, they published a proposed rule that would remove collection of data on the sexual orientation of foster youth and parents and guardians in its Adoption and Foster Care Analysis and Reporting System. LGBTQ rights groups have argued that asking for that information, which is voluntary, is critical to ensuring the well-being of children.

Research funded by HHS has shown that roughly 20 percent of youth in foster care identify as LGBTQ and are more likely to report poor treatment and suffer worse outcomes. Julie Kruse, director of federal policy at the Family Equality Council, said in a statement that government agencies “cannot improve care and outcomes for youth if they do not have data to measure their efforts.”

HHS, in a draft rule related to foster and adoptive care published April 19 in the [Federal Register](#), argued that a third of states surveyed recommended that such information be removed because of its self-reported nature, which might make it unreliable, and its sensitive nature. “[T]hey questioned the implications of having this information in a government record,” HHS wrote.

<https://www.washingtonpost.com/health/2019/04/24/trump-administration-prepares-rule-that-civil-rights-groups-worry-may-deny-care-transgender-patients/>

HHS has not officially announced its work on the Affordable Care Act nondiscrimination rule, but signaled its efforts as part of a lawsuit involving the Franciscan Alliance, a hospital company, and the Christian Medical and Dental Associations in the Texas case. A judge in 2016 issued a temporary injunction that prevented the groups from having to provide care that violates their beliefs, and the case has been in progress since.

Luke Goodrich, lead attorney for the plaintiffs, said the organizations provide care to a diverse group of patients — including transgender individuals — and have done so for decades. However, they have studied the medical evidence and believe transition-related care such as a hysterectomy or hormone therapy “involve a significant amount of medical risks and side effects.”

“They believe those procedures could be deeply harmful and as a matter of religious beliefs, they don’t want to be involved,” said Goodrich, senior counsel with the Becket Fund for Religious Liberty.

The American Civil Liberties Union and other rights groups have said the change may create a situation where physicians and other care providers could provide substandard care to LGBTQ individuals — or abstain from treating them in the first place — under the cover of religious freedom.

Gillian Branstetter, a spokeswoman for the National Center for Transgender Equality, said explicitly prohibiting discrimination is critically important because the transgender experience with the U.S. health-care system is often negative and such individuals have unique needs.

A study published this month in [JAMA Internal Medicine](#), for example, found that transgender adults were 30 percent more likely to describe themselves as being in “fair” or “poor” health and 66 percent more likely to report severe mental distress. Previous surveys have shown that 1 in 3 transgender people had issues with insurance companies and 1 in 4 with a medical provider.

“It really is going to worsen a situation that is already bad for a lot of people,” Branstetter said. “It’s going to send a mixed signal to providers about where transgender people stand as patients.”

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SEE ALSO:

[Transgender U.S. adults have higher risk of poor health](#) [Reuters, 2019-04-22]

Miscellaneous

The Air Force Is on a Mission to Fix its Uniforms

By Oriana Pawlyk

Military.com, April 21, 2019



Air Force Capt. Lauren Kram, assigned to the 13th Bomb Squadron, poses for a portrait on Feb. 19, 2019. Kram is one of six qualified female pilots assigned to Whiteman Air Force Base, Missouri. (Kayla White/U.S. Air Force)

The U.S. Air Force for months has been working to redesign gear and flight suits used by female pilots after many years of ill-fitting equipment.

But why stop there? It's also updating current flight suit and gear designs to improve comfort and ease of wear, according to officials working on the project. At the same time, officials want to streamline and expedite the process of shipping these [uniforms](#) and support gear anywhere across the world to meet a unit's requirement.

Since his tenure in the Air Force, Chief of Staff Gen. David Goldfein has called for improved, better-fitting uniforms -- not only for comfort, but also for safety.

"We have women performing in every combat mission, and we owe it to them to have gear that fits, is suited for a woman's frame and can be [worn] for hours on end," [Goldfein told reporters](#) at a Defense Writers Group in Washington, D.C. last year.

Officials have been eager to create and field uniforms and flight equipment with better fit and performance, and make them more readily available for female aircrew, said Maj. Saily Rodriguez, the female fitment program manager for the human systems program office.

The problem for decades has been limited sizes, which has resulted in female airmen tailoring their own flight suits, or just wearing a suit too tight or too loose.

Rodriguez and her team have been tasked to "specifically ... look at how the female body is shaped," with a goal of "tailoring that flight suit to be able to accommodate the female shape," she said in an interview with Military.com Thursday.

The project was launched within the Air Force Lifecycle Management Center, with Rodriguez focused on the female perspective for better-fitted uniforms and gear.

"Everything that touches an aircrew member's body, we manage in the program office," she said. That includes everything from flight vests; G-suits, which prevents the loss of consciousness during high levels of acceleration or gravity pressure; helmets; boots; and intricate gear such as bladder relief apparatus.

Some improvements have been made already. In November, the service [began delivering upgraded Aircrew Mission Extender Devices](#), also known as AMXDmax, for bladder relief. The device collects urine in a cup for men and a pad for women, and can hold 1.7 quarts of urine, according to the service. The Air Force said it had expected to deliver roughly 2,000 to crews service-wide [by the end of this month](#).

Beyond female flight equipment, the office is gearing up for improved uniforms and devices for all.

"We're going to be adding on what's called the 'combat-ready airman,'" Rodriguez said, "which is going to look at more roles than just aircrew members to ensure that those airmen, men and women, are being outfitted in standardized uniforms as well, that suit their need to be able to properly do their duties they're assigned."

<https://www.military.com/daily-news/2019/04/21/air-force-mission-fix-its-uniforms.html>

Officials are still defining what a 'combat-ready airman' is, but the term eventually will "encompass the larger Air Force" beyond aviators, she said. As an example, work has begun on better-fitting vests for female security forces airmen.

"It all comes down to making sure that airmen have gear that they can use and ... perform their missions," Rodriguez said.

Getting Uniforms Amazon-Quick

On the shipment management side, leaders are using the Battlefield Airmen Rapid Resource Replenishment System, or BARS, a central equipment hub that sorts various gear and can ship the clothing directly to airmen across the globe.

The system was created to quickly field resources to deployed airmen, such as Tactical Air Control Party (TACP) airmen, pararescue and [special tactics operations in Air Force Special Operations Command](#), said Todd Depoy, the special warfare branch chief for the special operations forces and personnel recovery division within Air Force Life Cycle Management Center. Gear ranges from scuba gear to climbing equipment, Depoy said.

"BARS is a cloud-based software program ... with [an additional] inventory control," Depoy told Military.com. The program has been around a little over a year, he added.

The internal system, created and hosted by Amazon, gives individuals the authority to head to a computer and mark what they need and have it shipped over -- with the proper military approvals, Depoy said.

"There is a checkpoint, but if they need something, they can go in and order it, and those items are on the shelf," he said.

The items are stored and managed by the Air Force at the Naval Surface Warfare Center in Crane, Indiana. Unlike in years past where it could take months to get gear overseas, it now takes between a few days and a few weeks, depending on the location, Depoy said.

The goal now is to speed up the existing process for men's gear, and implement a similar one for female flight suits.

"BARS is an existing system, but I'm currently adding our ACC female aviators into the system," said Shaunn Hummel, the aircrew flight equipment program analyst at Air Combat Command's A3TO training and operations office.

Lately, Hummel has been working to add female flight suits, jackets, boots and glove to the list of available gear in the system. His job is to work with the Defense Logistics Agency to appropriately stock facilities so airmen can access items via BARS.

In September, ACC made a bulk buy of roughly \$1 million worth of these items, Hummel said.

"We're working with DLA to try and decrease the lead time and increase productivity for the manufacturing of these suits," Hummel said Thursday. Female flight suits "are not manufactured all the time until there is a consistent demand of them."

Hummel explained there are 110 different flight suits -- between the "women" category, for curvier women, and the "misses" category, for those with slimmer builds -- and they also have different zipper configurations.

Zippers have been a problem for men as well as women. Very tall or very short airmen may find their zippers ill-placed to relieve themselves conveniently, [the service said in a recent release](#).

<https://www.military.com/daily-news/2019/04/21/air-force-mission-fix-its-uniforms.html>

"We're making sure we're using data ... to assess what are the sizes we need to get women outfitted" by cross-referencing stockpiles through the various offices, Rodriguez added.

Right now, the teams are working together to get more feedback on how the programs are working, and what else could be done to improve standard gear to keep pilots and aircrew safe in flight.

The service has held several collaborative "Female Flight Equipment Workshops," the release said.

Rodriguez said it wants more airmen speaking up.

"We have an effort underway looking at how we can streamline feedback from the user ... so that we can use it when we're looking for improvements in the future," she said.

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SEE ALSO:

[Air Force Experimenting with Two-Piece Flight Suits for Pilots, Aircrew](#) [*Military.com*, 2019-04-19]

The Army wants you to come experience life ‘#InOurBoots’

By Meghann Myers

Army Times, April 22, 2019



The Army's new recruiting app features real soldiers from four different jobs. (Army)

Army senior leaders promised to spend 2019 bringing the service's [recruiting](#) and [marketing](#) organization into the future, and they're taking a big proverbial step with [a new app](#) designed to figuratively put the American people into boots.

Launched April 11, "In Our Boots" is part of a larger recruiting campaign — complete with hashtag — to open up a discussion on what it's like to serve in the Army, according to a brand manager at the Army Marketing and Research Group.

"Those individuals that are in the actual 360, those are actual soldiers doing their jobs," James Cox told Army Times on April 15, describing the app, an immersive experience much like a first-person shooter game.

"In Our Boots," both the app and the campaign, have been in the works since 2017. Originally there were two concepts for the app: A choose-your-own adventure-style game, Cox said, did not test as well as the virtual reality version they brought to market.

"This one won in research," he said, after getting feedback from 17- to 24-year-olds in Richmond, Virginia, and Chicago.

When you open the app, you see soldiers about to load into a CH-47 Chinook. You can either move the phone or drag your finger across the screen to get a 360-degree view.

Rest your cursor on one of four soldiers, and you'll get a story from their career about what they do. Staff Sgt. Davis is a sniper, Sgt. 1st Class Tanaka is a bomb technician, 1st Lt. Pickett is a tank commander and Sgt. Rodriguez is a drone operator.

It took three days to film the scenarios, Cox said. They started with four jobs, but there are plans to add more, he added.

"I gave them a whole bunch of ideas. One of them was, they need to go out and do a whole airborne training thing," Sergeant Major of the Army Dan Dailey told Army Times on Tuesday, April 16.

He got his own VR headset demo in his office on launch day.

"I want to do every MOS in the Army, that's what I told them," he said. "Infantry to astronaut."

Within the app are all of the links one would need to continue researching a job in the Army or to reach out to a recruiter.

To go along with it, the Army launched the #InOurBoots hashtag on April 11, which has been used thousands of times across social media platforms.

Next up, Cox said, short commercials will roll out exclusively online, through sites like YouTube, Twitch and online gaming platforms.

Iraqi interpreter earns US citizenship after being pulled from previous ceremony

By Kyle Rempfer

Military Times, April 23, 2019



Dhurgham Abdulkareem, who spent two years serving as an Iraqi interpreter for U.S. troops, was pulled from a citizenship ceremony in early April for unspecified reasons. He finally became a citizen April 23, 2019, after his case was spotlighted by Military Times. (Courtesy Photo)

A former [Iraqi interpreter for U.S. forces](#) became an American citizen Tuesday after previously being pulled from a citizenship ceremony by immigration officials for unspecified reasons — a problem he said other interpreters have experienced.

Dhurgham Abdulkareem, 41, said that becoming a citizen has finally given him “peace of mind.” He now knows he won’t be forced to return to Iraq, where he could face retribution for having worked for the Americans.

His citizenship request was approved after Military Times contacted immigration officials last week.

Now that he has his citizenship, Abdulkareem is planning to apply for Defense Department contractor jobs that require his unique language skills. He has talked to headhunters for those positions, but without citizenship, he could not begin the security clearance process they require, a recruiter for the position told Military Times.

Citing privacy concerns, U.S. Citizenship and Immigration Services officials said they could not comment on the incident or the final outcome. A spokesperson reiterated their previous statement that “some applications take longer than others to process.”

The nature of a translator’s job can complicate the citizenship application, Betsy Fisher, policy director of the International Refugee Assistance Project, said. Translators may interact with local militants as part of their job, such as conducting interrogations or negotiating ceasefires.

“Those are the kind of interactions that made interpreters so essential, but in many cases lead to additional security checks because they’re under suspicion for interacting with militants,” Fisher said.

Dhurgham Abdulkareem served as an [interpreter for U.S. troops](#) in Baghdad between 2009 and 2011, according to U.S. Army documents and Defense Department IDs. While he loved the job, it also made him a target for extremists who viewed him as a traitor.

In 2012, he managed to obtain a [Special Immigrant Visa](#), provided to Iraqis and Afghans who help U.S. missions, and moved to Florida.

After a year of interviews and background checks, in addition to the screening that allowed him to work with U.S. forces in combat, Abdulkareem was told by U.S. Citizenship and Immigration Services to appear at a Naturalization Oath Ceremony to become a citizen on April 5.

When he arrived, though, he was told he could no longer participate in the ceremony. Officials told him that one of the conditions of the immigration process was not yet finished, but they couldn’t tell him which condition that was.

<https://www.militarytimes.com/news/your-military/2019/04/23/iraqi-interpreter-earns-us-citizenship-after-being-pulled-from-previous-ceremony/>



Haeder Alanbki hugs his son during a naturalization ceremony in Orlando, Florida, Tuesday, July 31, 2018. Alanbki, a former Iraqi translator and Army National Guard member, sued a federal agency after he was pulled out of a naturalization ceremony last year without explanation. (Mike Schneider/AP)

Military Times reached out to immigration officials on April 16. The next day, Abdulkareem was invited for a final interview. Afterwards, they ushered him over to a citizenship ceremony scheduled for the afternoon.

“I think they read the article,” he said. “I think for sure the article made a huge [difference],”

Abdulkareem said that during the interview, he was asked less than a dozen questions, such as whether he had ever bypassed U.S. checkpoints in Iraq and whether any identification documents in Iraq were ever stolen from him.

Then they printed the questions out, Abdulkareem signed his name and the immigration official said: “We have a ceremony today at 1 p.m. if you want to come,” according to Abdulkareem. “And I said yes, yes, yes, for sure.”

Abdulkareem said he was thankful to the immigration official who helped resolve the issue, but he added that long waits for citizenship and Special Immigrant Visas is a problem he has noticed affect other Iraqi interpreters.

“It’s just silly,” he added. “I’m not trying to make an issue, but as an interpreter, why [do] we have this problem?”

One friend of Abdulkareem’s, who worked for U.S. troops in Fallujah, is still in Iraq.

“He quit in 2007 when he almost got killed,” Abdulkareem said, adding that the friend was shot several times. “It’s a lot on your body. ... I hope he can get over here.”

Another of Abdulkareem’s friends, Haeder Alanbki, was also an interpreter for U.S. troops in Iraq but obtained a visa to come to the U.S., where he enlisted in the Florida Army National Guard.

Alanbki, who was already a U.S. soldier, was also pulled from his citizenship ceremony at the last minute. He sat in limbo until he managed to hire a lawyer and file a lawsuit to get his case moved along. “That shows how hard it is to become a citizen,” Alanbki, who said he was shot and stabbed by al-Qaida insurgents while serving with U.S. troops in Fallujah, previously told Military Times.

In the lawsuit, Alanbki’s attorney alleged that his client had been erroneously blacklisted as a national security concern under the Controlled Application Review and Resolution Program, or CARRP — an opaque and restrictive program begun under the George W. Bush administration and continued under presidents Barack Obama and Donald Trump.

Alanbki became a citizen in 2018 and was the one who warned Abdulkareem that their situations were extremely similar.

It is unclear whether CARRP was a factor in this case, but the program is currently the subject of a class-action lawsuit by the ACLU. Citizenship applicants typically do not know whether they’ve been subject to its scrutiny, an attorney at the ACLU of Southern California told Military Times.

Justices seem ready to OK asking citizenship on census

By Mark Sherman

The Associated Press, April 22, 2019



Immigration activists rally outside the Supreme Court as the justices hear arguments over the Trump administration's plan to ask about citizenship on the 2020 census, in Washington, Tuesday, April 23, 2019. Critics say the citizenship question on the census will inhibit responses from immigrant-heavy communities that are worried the information will be used to target them for possible deportation. (AP Photo/J. Scott Applewhite)

WASHINGTON (AP) — The Supreme Court's conservative majority seemed ready Tuesday to uphold the Trump

administration's plan to ask about citizenship on the 2020 census, despite evidence that millions of Hispanics and immigrants could go uncounted.

There appeared to be a clear divide between the court's liberal and conservative justices in arguments in a case that could affect how many seats states have in the House of Representatives and their share of federal dollars over the next 10 years. States with a large number of immigrants tend to vote Democratic.

Three lower courts have so far blocked the plan to ask every U.S. resident about citizenship in the census, finding that the question would [discourage many immigrants from being counted](#). Two of the three judges also ruled that asking if people are citizens would violate the provision of the Constitution that calls for a count of the population, regardless of citizenship status, every 10 years. The last time the question was included on the census form sent to every American household was 1950.



The Supreme Court at sunset in Washington. (AP Photo/J. Scott Applewhite)

But over 80 minutes in a packed courtroom, the conservative justices did not appear to share the concern of the lower court judges.

Justice Brett Kavanaugh, the court's newest member and an appointee of President Donald Trump, suggested Congress could change the law if it so concerned that the accuracy of the once-a-decade population count will suffer. "Why doesn't Congress prohibit the asking of the citizenship question?" Kavanaugh asked near the end of the morning session.

Kavanaugh and the other conservatives were mostly silent when Solicitor General Noel Francisco, the administration's top Supreme Court lawyer, defended Commerce Secretary Wilbur Ross' decision to add the citizenship question. Ross has said the Justice Department wanted the citizenship data, the [detailed information](#) it would produce on where eligible voters live, to improve enforcement of the Voting Rights Act.

Lower courts found that Ross' explanation was a pretext for adding the question, noting that he had consulted early in his tenure with Stephen Bannon, Trump's former top political adviser and immigration hardliner Kris Kobach, the former Kansas secretary of state.

The liberal justices peppered Francisco with questions about the administration plan, but they would lack the votes to stop it without support from at least one conservative justice.

"This is a solution in search of a problem," Justice Sonia Sotomayor, the court's lone Hispanic member, said of Ross' decision.

<https://apnews.com/41ca6bb537134b8581243b650e2be480>

Justice Elena Kagan chimed in that “you can’t read this record without sensing that this need was a contrived one.”

Chief Justice John Roberts appeared to have a different view of the information the citizenship question would produce.

“You think it wouldn’t help voting rights enforcement?” Roberts asked New York Solicitor General Barbara Underwood, who was representing states and cities that sued over Ross’ decision.

Underwood said the evidence Ross had before him was “that it would not give better citizenship information.”

And, Underwood said, the record is clear that a census that asks people if they are citizens will be less accurate.

Census Bureau experts have concluded that the census would produce a more accurate picture of the U.S. population without a citizenship question because people might be reluctant to say if they or others in their households are not citizens. Federal law requires people to complete the census accurately and fully.

The Supreme Court is hearing the case on a tight timeframe, even though no federal appeals court has yet to weigh in. A decision is expected by late June, in time to print census forms for the April 2020 population count.

The administration argues that the commerce secretary has wide discretion in designing the census questionnaire and that courts should not be second-guessing his action. States, cities and rights groups that sued over the issue don’t even have the right to go into federal court, the administration says. It also says the citizenship question is plainly constitutional because it has been asked on many past censuses and continues to be used on smaller, annual population surveys.

Justice Neil Gorsuch, also a Trump appointee, also noted that many other countries include citizenship questions on their censuses.

Douglas Letter, a lawyer representing the House of Representatives, said the census is critically important to the House, which apportions its seats among the states based on the results. “Anything that undermines the accuracy of the actual enumeration is immediately a problem,” Letter said, quoting from the provision of the Constitution that mandates a decennial census.

Letter also thanked the court on behalf of Speaker Nancy Pelosi for allowing the House to participate in the arguments.

“Tell her she’s welcome,” Roberts replied.

Associated Press writers Jessica Gresko and Darlene Superville contributed to this report. Follow Mark Sherman on Twitter: <https://www.twitter.com/shermancourt>

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SEE ALSO:

[First on CNN: Justice Department won't comply with House subpoena over citizenship question on census](#) [CNN, 2019-04-24]

['A really big deal': Trump says Supreme Court should back citizenship question on 2020 Census](#) [USA TODAY, 2019-04-24]

[Supreme Court poised to give Trump victory on census citizenship question](#) [Reuters, 2019-04-23]

[Supreme Court looks likely to back Trump administration on adding citizenship question to 2020 census](#) [USA TODAY, 2019-04-23]

<https://www.apnews.com/fc105787e11745c9a9c6f4d53a3886c2>

Utah man pushes for census to include veterans question

The Associated Press, April 22, 2019

OGDEN, Utah (AP) — The former head of the Utah Department of Veterans Affairs is pushing for the U.S. census to include a question about veterans next year.

Terry Schow, a Vietnam veteran, wants the 2020 census to ask about veteran status so the state can have a more accurate count of people with military service, the Standard-Examiner [reported](#) Saturday.

“It’s really just one question: Are you a veteran?” Schow said.

The Census Bureau pulled the veteran status question from the questionnaire in 2010, according to the agency. The bureau continues to collect data on veterans through three smaller surveys: the American Community Survey, the Current Population Survey and the Survey of Income and Program Participation.

These surveys only go to a portion of the population, Schow said. The American Community Survey, the largest of the three, is sent out to about 3.5 million people each year.

Current counts of veterans from the U.S. Department of Veterans Affairs and the Census Bureau are likely missing a significant number of people, Schow said.

The department lists about 152,000 veterans in Utah while the bureau says the state has about 144,000. A state database indicates Utah has about 180,000 veterans, Schow said.

The VA uses census data to determine spending on veteran housing, hospitals and assistance programs, Schow said.

Republican U.S. Rep. Rob Bishop sent a letter to the bureau’s director earlier this month, asking for the veterans question to be included.

“I believe this small change will have a big impact on our ability to take care of our nation’s heroes and the proper allocation of resources for veterans cemeteries and homes,” Bishop wrote.

Information from: Standard-Examiner, <http://www.standard.net>

VA Won't Ramp Up Security After Rash of Suicides on Premises. Here's Why.

By Richard Sisk

Military.com, April 20, 2019



Dr. Keita Franklin, Defense Suicide Prevention Office director, speaks to a crowd about the Department of Defense's plan to combat the issue of suicide among military members at Joint Base Pearl Harbor-Hickam, Hawaii, Jan. 30, 2017. The 15th Wing clinic was recognized for its superior efforts to prevent suicide in 2016. (Kaitlin Daddona/U.S. Air Force)

In the wake of a troubling trend of veteran suicides and at least one shooting on the premises of Department of Veterans

Affairs facilities in recent weeks, VA leaders are preparing for congressional scrutiny and hearings on the matter.

What they're not doing, however, is planning to ramp up security at VA centers through the use of metal detectors. While incidents at individual VA facilities may prompt local reviews, the majority of security decisions are not made at the national level.

It's a delicate balance between providing a safe environment at the VA and keeping facilities safe and accessible to all, said Dr. Keita Franklin, the VA's National Director of Suicide Prevention. And officials, she said, are sensitive about taking steps that might undermine that message of openness.

"We want our VA facilities to be warm and welcoming -- a place where veterans are willing, where they want to go. We don't want them to perceive the facilities as places where they get hassled or that they have any level of barrier when it comes to accessing care," Franklin told Military.com in an interview Thursday.

The message was underlined earlier this week in a statement by VA Secretary Robert Wilkie: "Providing same-day 24/7 access to mental health crisis intervention and support for veterans, service members and their families is our top clinical priority."

That's not to say that nothing is changing in the wake of the recent tragedies.

In a horrific incident on April 9, a veteran pulled a gun in the waiting room of a VA clinic in Austin, Texas, and killed himself in front of staff and other patients. The Austin suicide followed two others at VA facilities in Georgia.

On April 5, a veteran killed himself in the parking lot of the Carl Vinson Veterans Affairs Medical Center in Dublin, Georgia, VA officials said, and on April 6 a 68-year-old veteran died by suicide outside the Atlanta VA Medical Center.

In addition, a double amputee later identified by the FBI as Larry Ray Bon, 59, fired at least six shots on Feb. 27 in the emergency room of the West Palm Beach VA Medical Center in Riviera Beach, Florida. A VA doctor and a hospital staffer were slightly wounded in the melee to wrest the gun away from the patient, the FBI said.

"This unfortunate incident [in Florida] has prompted changes in the facility's security plan, which now has an additional level of security at all of its entrances and in the emergency department," VA spokesman Curt Cashour said.

<https://www.military.com/daily-news/2019/04/20/va-wont-ramp-security-after-rash-suicides-premises-heres-why.html>

Adding metal detectors, however, is not under consideration, he said.

"It would create a barrier to entry that might drive patients away," he explained.

Competing Interests

It's not the first time the VA has grappled with the competing interests of security and openness.

In a 2018 review, the Government Accountability Office said the VA was not meeting standards for security required at federal buildings following the 1995 Oklahoma City bombing and lacked central oversight of measures taken at individual facilities.

The GAO report also noted that "Ensuring physical security for these medical centers can be complicated because VA has to balance safety and security with providing an open and welcoming healthcare environment." Security was often left to the discretion of individual medical center directors, the report said.

The VA agreed with the findings and pledged to follow recommendations to improve requirements that already include security cameras, silent distress alarms, perimeter fencing and a police force at all of its hospitals.



Dr. Keita Franklin, the VA's National Director of Suicide Prevention

A reporter's visit Thursday to three VA facilities revealed understated, but consistent, security measures.

As is the case at private and non-profit hospitals, there were no metal detectors at the Washington, D.C. VA Medical Centers. Security staff in yellow vests were at the entrance to assist patients and visitors.

The yellow vests were also in the parking lot and garage to guide arrivals, and also had golf carts to assist those who had difficulty in walking.

Inside the main entrance, security personnel asked for ID before directing visitors to the information desk. They also stand prepared to conduct random searches.

VA officials said security measures seen at the Washington VAMC and two clinics were typical of those throughout the nation's largest health care system of 170 hospitals and more than 1,000 outpatient clinics.

VA Seeks Answers Amid Suicides

The April 9 incident in Austin was the sixth veteran suicide this year at a VA facility. Between October 2017 and November 2018, 19 veterans died by suicide on the grounds of VA medical facilities, according to a Washington Post report. But the deaths at VA facilities only hinted at the scope of the problem.

A VA state-by-state report in 2016 showed that there were 530 veteran suicides in Texas alone, tying with Florida as the states with the most veteran suicides.

The grim statistics haven't changed for years.

"Sadly, we haven't seen a change in the numbers yet," said Franklin, a licensed clinical social worker who formerly headed the Defense Department's Suicide Prevention Office.

Of the average 20 veterans who take their lives daily, about 14 have never been in contact with the VA, she said.

<https://www.military.com/daily-news/2019/04/20/va-wont-ramp-security-after-rash-suicides-premises-heres-why.html>

She pointed to an executive order issued in March by President Donald Trump to establish a Veteran Wellness, Empowerment and Suicide Prevention Task Force.

Franklin said the need was for a "whole-of-government -- really a whole-of-nation -- approach because we recognize we can't reach every veteran ourselves and only six of them [out of 20] have touched our hospital system."

The task force will include the Secretaries of Defense, Health and Human Services, Energy, Homeland Security, Labor, Education and Housing and Urban Development, as well as the Director of the Office of Management and Budget, Assistant to the President for National Security Affairs, and Director of the Office of Science and Technology Policy.

It will be charged with developing a "comprehensive national public health roadmap outlining the specific strategies needed to lower effectively the rate of veteran suicide, with a focus on community engagement," VA officials have said.

VA leaders only recently discovered that about three of the 20 daily veteran suicides were among members of the National Guard and Reserve who were never federally activated, Franklin said.

She said that the VA recently signed a memorandum of agreement with the Guard and Reserves to have mobile VA health centers sent to drill weekends.

"We want to start this early intervention" and "make sure we're doing everything we can to get our arms around this," Franklin said.

One concern is that veterans with problems often come to the VA as a last resort, Franklin said.

"Those veterans that do come to us -- they're pretty chronic when they come to the point where they're engaging in our mental health system," she said.

"Usually, a lot of other systems -- I hate to use this word -- have failed them. They, perhaps, tried to get help from family, friends, church, other types of entities along the way.

Thus, some of those who do make it to VA facilities are immediately among the high-risk veteran population, she said.

"And so the subgroup that comes to us comes with an elevated level of risk, if you will, compared to others that are struggling but don't end up in our health care system," Franklin said.

Demands for Action

She acknowledged that she was speaking ahead of demands for investigations and Congressional hearings that will call on her for action plans.

In a letter last week to the Inspectors General of the VA, the Defense Department and the Department of Health and Human Services, AMVETS Executive Director Joe Chennelly said suicides among veterans and service members were a "national crisis."

"We are calling on your offices to launch immediately a joint, coordinated investigation into the veteran and service member suicide epidemic, to include a macro evaluation of mental health treatment programs and personnel assigned to operate them," he said. "Many of these suicides appear to be protests of last resort where healthcare systems, treatment programs, and the underlying cultures of the responsible federal agencies have failed them."

<https://www.military.com/daily-news/2019/04/20/va-wont-ramp-security-after-rash-suicides-premises-heres-why.html>

"We can no longer accept that "20 suicides a day" is the norm and approach this crisis with passive resignation," he added.

Of the 19 suicides on VA campuses from October 2017 to November 2018, seven took place in parking lots, Chennelly said.

"These include a Marine Corps veteran who took his life in the Minneapolis VA hospital's parking lot, as well as a Marine colonel who shot himself in December 2018 outside the Bay Pines [Florida] Department of Veterans Affairs while dressed in his service uniform," he said.

Rep. Mark Takano, D-California, chairman of the House Veterans Affairs Committee, announced last week that he will hold a series of hearings beginning later this month on the suicide crisis. He said the hearings were intended to "spark a larger discussion about what actions we can take together as nation."

Focus on Outreach

Franklin said the pressing need was for outreach to make more veterans aware of VA's mental health services and get them into the system prior to any crisis. She pointed to a recent National Academy of Sciences evaluation.

"One of their findings was that when we do get people into care they fare better," she said.

The congressionally mandated NAS report, titled "Evaluation of the Department of Veterans Affairs Mental Health Services," found that there was "a substantial unmet need for mental health services," particularly among post-9/11 veterans.

The report said that about half of post-9/11 veterans "who may have a need for mental health care services do not use VA or non-VA mental health care services."

In addition, many veterans are resistant to seeking help, the NAS report said.

"More than half of veterans who screened positive in the survey for having a mental health care need do not perceive a need for mental health services," the report said.

For those veterans with a need for mental health care who have not sought VA services, lack of knowledge about how to apply for benefits, as well as uncertainty about eligibility and lack of information, were the main barriers to seeking care.

However, when veterans do use the VA system, most are satisfied with the results, the report said. A majority of post-9/11 veterans who use VA services "report positive experiences with its mental health services, including the availability of services, privacy and confidentiality of medical records, the ease of using VA mental health care, and the staff's skill, expertise, and courtesy toward patients," it said.

Franklin said that getting more veterans into the system required an overhaul of the outreach methods that came under scrutiny last year.

Missing Messaging

In December, the Government Accountability Office study found that of \$6.2 million set aside for suicide prevention media outreach in fiscal 2018, only \$57,000 -- less than 1 percent -- was actually spent.

VA officials at the time acknowledged that "organizational transitions and realignments" led to the funds going unspent, but said that more outreach was being planned targeting social media.

Last year, the VA joined with the non-profit PsychArmor Institute to develop an online suicide prevention video titled "SAVE" to aid those who interact with veterans who might be at risk.

<https://www.military.com/daily-news/2019/04/20/va-wont-ramp-security-after-rash-suicides-premises-heres-why.html>

Cashour, the VA spokesman, said that more than 93 percent of VA personnel have taken the training, and the video has been viewed more than 17,000 times.

In a fact sheet put out in January, the VA said that suicide prevention coordinators were currently managing care for nearly 11,000 veterans judged to be clinically at high-risk for suicide.

In addition, the VA in fiscal 2018 provided more than 2.4 million same-day mental health appointments, the fact sheet said.

In a release Tuesday, the VA said that in the first quarter of fiscal 2019, about 90% of new patients completed an appointment in a mental health clinic within 30 days of scheduling an appointment, and 96.8% of established patients completed a mental health appointment within 30 days of the day they requested.

But the definitive solutions to the epidemic of "parking lot" suicides and veteran suicides overall were still elusive.

Earlier this month, the Senate Veterans Affairs Committee called a hearing on the implementation of the Mission Act to expand private-care options for veterans, but the hearing quickly veered off into a back-and-forth with VA officials on the recent suicides in Georgia and Texas.

Dr. Richard Stone, the executive in charge of the VHA, told the senators that suicides and attempted suicides at VA facilities were more numerous than they may have thought.

He said that more than 260 suicide attempts had been recorded at VA facilities over the years. He did not give a time period for when the attempts were made, but said VA staff had intervened in about 240 of them and were able to save lives.

To curb what he called the "epidemic," Stone said the nation as a whole must ask itself where veterans have been failed.

"Where have we as a community and society failed that veteran is a very complex [question]," he said.

"I wish it was as simple as me saying I could do more patrols in a parking lot that would stop this," Stone said.

Military personnel who need help can call the Veterans Crisis Line at 800-273-8255. Suicidal troops and veterans can call the Military Crisis Line at 800-273-8255, press 1, for assistance, or text 838255.

-- *Richard Sisk can be reached at Richard.Sisk@Military.com.*

SEE ALSO:

[Recent series of campus suicides raise complicated questions for VA](#) [*Military Times*, 2019-04-25]

[Congress wants more answers about VA campus suicides](#) [*Military Times*, 2019-04-19]

Misconduct

Feds: Coast Guard officer targeted Supreme Court justices

By Michael Kunzelman

The Associated Press, April 24, 2019



This file image provided by the U.S. District Court in Maryland shows a photo of firearms and ammunition that was in the motion for detention pending trial in the case against Christopher Paul Hasson. Hasson, a Coast Guard lieutenant accused of stockpiling guns and compiling a hit list of prominent Democrats and network TV journalists looked at other targets: two Supreme Court justices and two executives of social media companies, according to federal prosecutors in a court filing Tuesday, April 22, 2019. (U.S. District Court via AP)

ROCKVILLE, Md. (AP) — A Coast Guard lieutenant accused of stockpiling guns and compiling a hit list of prominent Democrats and network TV journalists looked at other targets: two Supreme Court justices and two executives of social media companies, according to federal prosecutors.

Those new allegations are contained in a court filing Tuesday in which prosecutors urge a magistrate judge to keep Christopher Hasson, 49, detained in custody pending trial on firearms and weapons charges.

The filing doesn't name the two justices and two company executives but says Hasson searched online for their home addresses in March 2018, within minutes before and after searching firearm sales websites.

“The defendant conducted an internet search for ‘are supreme court justices protected’ approximately two weeks prior to searching for the home addresses of the two Supreme Court justices,” Assistant U.S. Attorney Thomas Windom wrote in a footnote.

Hasson, who is due back in court Thursday for a detention hearing, is renewing his request to be released from custody while awaiting trial. A lawyer who represented Hasson at a Feb. 21 detention hearing accused prosecutors of making inflammatory accusations against Hasson without providing evidence to back them up.

Prosecutors haven't charged him with any terrorism-related offenses since his Feb. 15 arrest and subsequent indictment in Maryland. Hasson's attorney, Liz Oyer, wrote in a court filing last week that prosecutors recently disclosed that they don't expect to seek any additional charges.

In an email to The Associated Press, Oyer declined to comment Wednesday on the prosecutors' new allegations.

In a February court filing, prosecutors called Hasson a “domestic terrorist” and said he “intends to murder innocent civilians on a scale rarely seen in this country.” They also said he is a self-described white nationalist who espoused extremist views for years and drafted an email in which he said he was “dreaming of a way to kill almost every last person on the earth.”

Hasson's internet search history “lays bare his views on race, which in turn inform his criminal conduct,” Windom wrote.

In November 2017, according to the prosecutor, Hasson searched for “please god let there be a race war.” And the defendant did an internet search for guns with a search term that used a racial slur for blacks in March 2018 before visiting firearm sales websites.

Prosecutors have said Hasson appeared to be planning attacks inspired by the manifesto of Anders Behring Breivik, the Norwegian right-wing extremist who killed 77 people in a 2011 bomb-and-shooting rampage.

<https://www.apnews.com/ba75fecb8d7d4205b665385eb776cc5b>

Windom said “it cannot go unnoticed” that the terrorist who perpetrated the deadly New Zealand mosque attacks in March also was a “devotee” of Breivik.

In 2017, Hasson sent himself a draft letter he had written to a neo-Nazi leader and “identified himself as a White Nationalist for over 30 years and advocated for ‘focused violence’ in order to establish a white homeland,” prosecutors said.

That letter also refers to “Missouri,” a person with whom Hasson has a “long history,” Windom wrote. In 1995, according to federal prosecutors, Hasson and “Missouri” went to a home in Hampton, Virginia, where the homeowner arrived by car and asked them why they were there. The victim identified Hasson and Missouri as “skinheads.”

“Missouri,” wearing a black jacket with Swastika patches, aimed a handgun at the victim’s face and pulled the trigger, according to a police report cited by prosecutors. When the gun didn’t fire, “Missouri” beat the victim with it.

“Chris Hasson was standing there with the suspect when this occurred,” Windom wrote.

Investigators found 15 guns, including seven rifles, and over 1,000 rounds of ammunition at Hasson’s basement apartment in Silver Spring, Maryland, prosecutors said. Hasson’s Feb. 27 indictment also accuses him of illegal possession of tramadol, an opioid painkiller.

Prosecutors claim Hasson drew up what appeared to be a computer-spreadsheet hit list that included House Speaker Nancy Pelosi, Senate Democratic Leader Chuck Schumer and presidential hopefuls Sens. Kirsten Gillibrand, Elizabeth Warren, Cory Booker and Kamala Harris. Several network TV journalists — MSNBC’s Chris Hayes and Joe Scarborough and CNN’s Chris Cuomo and Van Jones — also were mentioned.

During the February detention hearing, U.S. Magistrate Judge Charles Day agreed to keep Hasson held in custody but said he was willing to revisit his decision if prosecutors didn’t bring more serious charges within two weeks.

Hasson pleaded not guilty last month to charges of illegal possession of firearm silencers, possession of firearms by a drug addict and unlawful user, and possession of a controlled substance. He faces a maximum of 31 years in prison if convicted of all four counts in his indictment.

“The silencers serve one purpose: to murder quietly. The defendant intended to do so on a mass scale, and his detention has thwarted his unlawful desire,” Windom wrote.

Hasson, a former Marine, worked at Coast Guard headquarters in Washington on a program to acquire advanced new cutters for the agency. A Coast Guard spokesman has said Hasson will remain on active duty until the case against him is resolved.

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SEE ALSO:

[‘Please god let there be a race war.’ Coast Guard officer’s ‘views on race’ drove his plans to launch terrorist attack, prosecutors allege](#) [*The Washington Post*, 2019-04-23]

Illicit drugs ruined this sailor's career

By Geoff Ziezulewicz

Navy Times, April 19, 2019



Sonar Technician (Surface) Seaman Annie N. Lunsford pleaded guilty at a special court-martial hearing. (Creatas/iStock)

A San Diego-based sailor was booted from the Navy last month after she pleaded guilty to abusing cocaine and [LSD](#).

Sonar Technician (Surface) Seaman Annie N. Lunsford initially faced charges for distributing cocaine and LSD to a pair of third class petty officers, but those charges were dismissed as part of a plea agreement, according to legal filings. Instead, she copped to using and possessing the drugs on several dates in 2018 in San Diego, according to records from her March 7 [special court-martial](#).

Lunsford also pleaded guilty to several counts of unauthorized absences — three days or less — from [Training Support Center San Diego](#).

The Alabama native was sentenced to a bad conduct discharge, reduction in grade to E-1 and 10 months of confinement.

But as part of her plea deal, Lunsford would only serve 120 days in the brig — and 85 days of pretrial confinement already were credited to her, according to records.

Lunsford initially faced additional charges for procuring fake urine to beat a test for herself and one of the petty officers, according to charge sheets.

The two petty officers involved were administratively separated in lieu of court-martial, Navy spokesman Kevin Dixon said.

Lunsford's military attorney declined comment through a Navy public affairs officer.

SEE ALSO:

[9 Coast Guardsmen face drug charges in Alaska](#) [*Navy Times*, 2019-04-23]

Military Not Following Own Rules for On-Base Domestic Violence Investigations

By Richard Sisk

Military.com, April 25, 2019



A pledge is displayed during a Change the Culture program, Marine Corps Base Hawaii, Oct. 4, 2018. "Change the Culture" supports Department of Defense's sexual assault, sexual harassment, domestic violence, discrimination and hazing training programs by encouraging the elimination of destructive behaviors and promoting positive actions. (Cpl. Matthew Kirk/U.S. Marine Corps)

Military commanders and law enforcement personnel have been failing to follow their own rules regarding incidents of on-base domestic violence, according a new report from the Pentagon's Office of Inspector General.

Of 219 cases examined at eight installations, 201 were found not to comply with Defense Department policies on how they should be handled, the IG's report states.

The 109-page IG report published April 19 examines domestic violence incidents at eight installations: Fort Bragg, North Carolina; Fort Belvoir, Virginia; Camp Pendleton; Quantico; Joint Base Elmendorf-Richardson, Alaska; Naval Base San Diego, California; Joint Base Andrews, Maryland; and Naval Construction Battalion Center Gulfport, Mississippi.

In a case at JBER, the alleged abuser "held a knife while strangling and threatening the victim. However, law enforcement personnel did not seize the knife used in the assault" for evidence, according to the report.

In another case at Fort Belvoir, the victim lost consciousness during an alleged assault.

"Three children who were with the victim at the time told her what happened during the incident, and she relayed that information to law enforcement," the report states. "However, installation law enforcement personnel did not interview the children to obtain the information directly from them."

Overall, military service law enforcement personnel failed to consistently conduct the thorough interviews needed to provide commanders and prosecutors with the information they needed to make prosecution decisions, the report found.

In addition, investigators and responders were lax in regularly filing incident reports as required to the Defense Central Index of Investigations to allow commanders to take into account an individual's criminal history when making disciplinary decisions and security clearance assessments, according to the report.

It cites a case at Camp Pendleton, California, where a subject allegedly strangled a victim and then threw her to the floor.

"We evaluated the domestic violence incident report and determined that [Naval Criminal Investigative Service] personnel at Camp Pendleton had sufficient credible information that the subject committed a criminal offense," the report states. "However, NCIS personnel at Camp Pendleton did not title and index the subject in the Defense Central Index of Investigations."

<https://www.military.com/daily-news/2019/04/25/military-not-following-own-rules-base-domestic-violence-investigations.html>

The DoD's directives and stated procedures are not at issue, the report says. But, it adds, military law enforcement organizations were found not to follow existing policies consistently regarding domestic violence incidents.

The report warns that the failures to gather evidence and process reports could thwart criminal investigations and even cause added harm to victims.

In another example of where investigators failed to collect crime scene evidence, law enforcement officers at Fort Bragg responded to a report of domestic violence. A cell phone was alleged to hold text messages related to the reported incident.

"The Staff Judge Advocate [SJA] requested the cellular phone be collected to review the digital evidence in order to establish probable cause," the report states. "However, law enforcement personnel did not collect the cellular phone and as a result could not provide the digital evidence to the SJA."

In fact, in 44 cases examined, personnel failed to photograph crime scenes and injures as policy required.

The report cites an incident at Quantico in which the victim alleged that the abuser punched walls and even broke a television.

"However, the incident report did not indicate that law enforcement personnel conducted a crime scene search to identify the property damage nor did the report contain any pictures of the damage," the report states.

Another example cited involved an incident at Fort Belvoir in which "law enforcement personnel responded to a domestic violence incident and did not take pictures of the victim's injuries. According to the incident report, the victim had red circular marks on his right cheek and neck."

"The Fort Belvoir Patrol Captain told us that the non-compliances related to crime scene processing were due to patrol officers not documenting the actions they performed or not having the equipment to complete the actions," the report states.

It adds that the Fort Belvoir Police Chief told investigators that, during the seven-year period assessed, patrol officers did not even always have operational cameras with which to take the photos required when processing crime scenes.

At Gulfport, patrol officers were not even aware of the basics involved in investigating domestic violence, the report states.

A Gulfport Naval Security Officer "told us the patrol officers did not know the requirements for conducting searches, such as knowing what to look for or what to take photographs of in a domestic violence incident," according to the report.

It also notes failures to notify base Family Advocacy Programs (FAP) as required by DoD policy to have them conduct risk assessments for family members. An incident at Fort Belvoir is cited in which a baby was injured.

In the incident, "the subject threw a wine glass in the direction of the victim during an argument. The glass hit the wall instead of the victim, causing a piece of the shattered glass to strike their 18-month-old son in the head," the report states. "This caused a contusion and an inch-sized laceration. However, Fort Belvoir law enforcement personnel did not notify FAP to ensure that the FAP staff members were able to initiate a thorough risk assessment and safety planning for the victim and other family members."

<https://www.military.com/daily-news/2019/04/25/military-not-following-own-rules-base-domestic-violence-investigations.html>

The report makes six recommendations to the secretaries of the Army, Air Force and Navy for prompt action, including making sure that "military service law enforcement practices, equipment, and supervisory reviews are adequate to comply with DoD policies when collecting evidence, conducting interviews" and notifying Family Advocacy Programs of potentially violent situations.

In response, the chief of staff for the Office of the Army Provost Marshal General "stated that the Army is actively pursuing resolution of the DoD OIG's findings through two working groups," according to the report.

However, the Marine Corps' response to the recommendation on timely and accurate reporting of incidents in the Defense Central Index of Investigations was inadequate, it adds.

The branch head of the Marine Corps Law Enforcement, Investigations, and Corrections Branch "did not address the specifics of the recommendation" on reports to DCII, the report states.

-- *Richard Sisk can be reached at Richard.Sisk@Military.com.*

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SEE ALSO:

[Military Services Fall Short in Responding to Domestic Violence on Bases](#) [*Government Executive*, 2019-04-24]

More Discipline, Less Bleeding: General Defends Controversial New Policy

By Hope Hodge Seck

Military.com, April 19, 2019



U.S. Marines with Combat Logistics Battalion 2, 2nd Marine Logistics Group, pick up trash during the monthly Single Marine Program base cleanup on Camp Lejeune, N.C., Feb. 28, 2019. (U.S. Marine Corps/Lance Cpl. Samuel Lyden)

On Maj. Gen. David Furness' last combat deployment to Afghanistan as commander of the Marines' Regimental Combat Team 1 in 2010, the unit sustained 31 casualties. Nineteen of those, he says, were "the fault of the Marine either doing something he was told not to do and trained not to do or not doing something he was trained to do."

Now the commander of 2nd Marine Division out of Camp Lejeune, North Carolina, Furness appeared as a guest on the internet-based All-Marine Radio Friday to discuss a controversial new policy letter he wrote in an effort to curtail a trend he observed of sloppy, undisciplined Marines in the division.

The letter, published Wednesday, instituted a ["basic daily routine" requiring all Marines to begin their days with reveille at 5:30 a.m.](#), and observe two daily formations and regimented cleaning and hygiene times. For those who wouldn't comply, Furness' message was clear: shape up or ship out.

"There are weeds growing around our buildings and work spaces and trash everywhere but the dumpsters where it belongs," he wrote. "These are just a few examples of the lack of discipline seen across the board that will not be tolerated in this Division any longer."

During his radio interview Friday, Furness added more detail to the new policy. Marines in his division, he said, would observe an upcoming "leadership and discipline stand-down" June 3-7 in which he'd address all sergeants, senior noncommissioned officers and lieutenants directly. The stand-down, he said, would also include a division-wide "field day," or cleaning period, and a quarters inspection by leadership.

"It's not chicken-s-t. It's all about combat performance," he said. "You can keep yourself and your teammate and your unit alive. We will do this, you will clean your room, we will have people walk through your room to make sure you've done it right."

And for those who can't do it, he added, "I'll get you orders somewhere else."

Furness said his policy letter hadn't been created in a vacuum; rather, he said, he had created a "council of sergeants" featuring outstanding young enlisted leaders from around the division shortly after taking command in 2018. They were the ones, he said, who came up with the daily routine published in his policy letter, and each of them said they agreed with Furness' plan to institute it.

In his combat experience in Iraq and Afghanistan, Furness said he had repeatedly observed that the most disciplined units were the ones who fared best in combat.

"I was presented right up front with, the more disciplined a unit is, going into a fight, the less it bleeds," he said.

<https://www.military.com/daily-news/2019/04/19/more-discipline-less-bleeding-general-defends-controversial-new-policy.html>

With regard to the 19 Marine Corps casualties he said could have been avoided, he still thinks about small adjustment that might have been made, such as the reminder that could have been given to a vehicle's driver to fasten his seatbelt before he hit an improvised explosive device in the road.

"These basic breaches of attention to detail are a direct result of not habituating yourself to the small details we learn to do in garrison activities," he said.

Furness' letter hit the internet almost immediately after circulating around the division. While some have spoken supportively of his policies, many in the military community have criticized the measures as unnecessary or expressed and borne of a tendency to create busywork for a force no longer deploying at a high tempo.

The general said the corrections he expects leaders to make of Marines who are not squared away don't have to be harsh and dramatic -- they can be as simple as asking a service member if his or her behavior adheres to the given standard.

However, he added, he really doesn't care what the internet has to say about his decision.

"They can pillory me to their hearts' content on Terminal Lance or any social media platform they have," he said, naming a popular Marine Corps web comic. "But we're going to do the right thing for the right reason."

Hope Hodge Seck can be reached at hope.seck@military.com. Follow her on Twitter at @HopeSeck.

Navy cook booted for running with criminal motorcycle gang

By Geoff Ziezulewicz

Navy Times, April 22, 2019

A San Diego-based Navy cook was booting from the service and sent to the brig earlier this year after he pleaded guilty to running with an outlaw motorcycle gang and distributing cocaine.

Then-Culinary Specialist 1st Class Jason A. Thompson was sentenced in February to a bad conduct discharge, reduction in rank to E-1 and 210 days behind bars, according to Navy court records.

But he had been held in pretrial confinement for 176 days and received credit for time served.

Thompson was charged with “wrongfully actively participating in a criminal gang” known as the [Thunderguards Motorcycle Club](#) from December 2015 to May 2018, according to charge sheets.

Delaware in 2014 sued to shut down the gang’s Wilmington clubhouse, which authorities claimed had been “the site of at least 15 shootings — including five homicides — in the past eight years,” [according to a government press release](#).

Club members have also pleaded guilty to [distributing meth](#) and running a [heroin ring](#) in recent years, according to the U.S. Justice Department.

Thompson’s military attorney did not respond to a request for comment submitted though Navy public affairs officers.

He was also convicted for distributing and using cocaine in March and April of 2018, according to records.

As part of the federal [Gun Control Act](#), Thompson is prohibited now from possessing, receiving, shipping or transporting firearms, records state.

SEE ALSO:

[Soldier who stole, resold shell casings gets nearly 3 years in prison](#) [*Army Times*, 2019-04-23]

Second Okinawa-based airman in four days arrested on suspicion of drunken driving

By Matthew M. Burke and Aya Ichihashi

Stars and Stripes, April 22, 2019



Kadena Air Base is home to the 18th Fighter Wing in Okinawa, Japan. (Carlos Vazquez/Stars and Stripes)

CAMP FOSTER, Okinawa — For the second time in less than a week, a Kadena-based airman has been accused of crashing a vehicle while under the influence of alcohol.

Senior Airman Timaan Garnes, 24, was arrested on suspicion of drunken driving at about 8:40 a.m. Sunday after he rear-ended a vehicle, which then crashed into another, while driving north on Route 85, Okinawa Police deputy chief Hirotohi Iha said Monday. The incident occurred in Okinawa City, near gate No. 2 of Kadena Air Base, police said.

No injuries were reported, but Garnes' blood-alcohol content was four times higher than Japan's legal limit of 0.03%, Iha said. Garnes told police he remembered driving but not the crash.

By comparison, all 50 U.S. states have set 0.08 as the legal limit for driving under the influence or driving while impaired.

Garnes' case is being turned over to Japanese prosecutors, Iha said.

Officials from Kadena's 18th Wing could not be reached Monday, but they typically do not comment on cases that are under investigation.

The incident comes just days after another Kadena airman was arrested after police allege he struck a motorcycle, injuring two, while intoxicated.

Senior Airman Zachary Lamont Ransom, 26, [was taken into custody](#) Wednesday after rear-ending a motorcycle while driving north on Route 58 at Mihama in Chatan, Iha had told Stars and Stripes previously. Two passengers on the motorcycle suffered minor injuries to their arms.

Ransom's blood-alcohol content was nearly twice Japan's legal limit. He was turned over to prosecutors and charged with drunken driving and causing injury to motorists while drunken driving.

Those incidents follow an apparent slaying-suicide on the island at the hands of an Okinawa-based servicemember.

The bodies of Navy Petty Officer 3rd Class Gabriel Olivero, 32, of North Carolina, and Tamae Hindman, 44, of Okinawa, were [found April 13 at Hindman's apartment](#) in Chatan. Okinawa police allege Olivero — a Navy corpsman attached to the 3rd Marine Division — stabbed Hindman to death before taking his own life.

Crimes committed by U.S. servicemembers on Okinawa are amplified by a core subset of the population advocating for fewer U.S. troops in the prefecture. Seventy-two percent of voters voted against the relocation of Marine air operations within the prefecture during a February referendum.

In a letter dated April 14, III MEF commander Lt. Gen. Eric Smith asked all U.S. servicemembers on Okinawa to keep a low profile to show respect to a community in mourning, The Associated Press reported.

Racism

White supremacist executed for 1998 hate-crime killing of James Byrd Jr.

By Eli Rosenberg and Lindsey Bever

The Washington Post, April 24, 2019



This undated photo provided by the Texas Department of Criminal Justice shows John William King. (Texas Department of Criminal Justice/AP)

Two decades after his conviction, John William King was executed Wednesday night in Texas for the murder of the James Byrd Jr., a crime that horrified the nation and prompted a national discussion about hate-crime legislation.

The Associated Press confirmed the execution shortly after 7 p.m. local time, about less than an hour after the Supreme Court declined to issue a stay in the case. King was administered a lethal injection at the state's penitentiary in Huntsville.

The June 1998 attack instantly harked back to an era of lynchings and racially motivated slayings across the South. Prosecutors said Byrd, a 49-year-old black man, was killed after being dragged from the back of a truck for nearly three miles. The trials of the three white men charged with the crime drew wide attention to Jasper, a town of about 7,500 in East Texas, just a short drive from the state border with Louisiana.

One of the men was convicted of capital murder and was [executed in 2011](#); the other was sentenced to life in prison.

The execution of 44-year-old King is “justice being served,” said Louvon Byrd Harris, one of Byrd's sisters.

“They were determined to treat him like an animal,” she told The Washington Post before the execution. “They were a danger to society. That's when we start changing our opinion about the death penalty.”

King is [the fourth inmate executed this year](#) in the United States.

Byrd's body was found in pieces along a Texas country road. Forensic investigators said injuries that killed Byrd — cuts and scrapes around his ankles and other abrasions on his body — indicated that his ankles had been wrapped together with a chain and that he had been dragged by a vehicle.

“We had never seen anything that horrendous,” Mike Wilson, the lead investigator with the Jasper County District Attorney's Office during the case, said in a phone interview.

A day after Byrd's body was found, police pulled over a truck driven by a man named Shawn Berry for a traffic violation. In the vehicle, they found a tool set that matched the wrench found at the crime scene. Dried blood discovered under the truck and on one of the tires matched Byrd's DNA.

The cigarette butts were also tested for DNA, and one came up with a hit for King, who had previously served a prison sentence for burglary.

King's nickname in prison was “Possum,” investigators learned. He was charged, along with Berry and Lawrence Russell Brewer, with capital murder.

King's trial opened in January 1999. Prosecutors from the Jasper County District Attorney's Office showed evidence of King's “violent hatred” of black people, according to court documents.

<https://www.washingtonpost.com/nation/2019/04/25/james-byrd-jr-killer-john-william-king-executed-texas-hate-crime/>



John William King, front, and Lawrence Russell Brewer are escorted from the Jasper County Jail on June 9, 1998. (David J. Phillip/AP)

“During his first stint in prison (which ended about a year before Byrd was killed), King was the ‘exalted cyclops’ of the Confederate Knights of America (CKA), a white-supremacist gang,” an appeals court wrote in 2018.

They also drew attention to his tattoos, which included a Confederate flag, Nazi “SS” lightning bolts, a cartoon in a Ku Klux Klan robe, “KKK,” a swastika, “Aryan Pride” and a depiction of a black man hanging from a tree by a noose.

King had spoken of starting a race war while in prison “and about initiating new members to his cause by having them kidnap and murder black people,” the appeals court wrote.

Prosecutors played a videotape showing the nearly three miles of road along which Byrd had been dragged behind the truck.

Prosecutors called 43 witnesses; King’s attorney called three. King did not testify.

After five days of testimony, a jury returned a verdict of guilty of capital murder within 2½ hours.

King, who maintained his innocence, appealed his verdict numerous times with complaints about the lawyer he had during his trial. On Monday, the Texas Court of Criminal Appeals voted 5-4 to reject King’s request to stay his scheduled execution.

His current lawyer, Richard Ellis, submitted a last-minute petition Tuesday to the nation’s highest court that said that his client had “maintained his absolute innocence” and argued his initial lawyer had conceded his guilt against King’s wishes during the trial 20 years ago.

The state submitted a brief in opposition, arguing that the court lacks jurisdiction to review the claims, and the Supreme Court denied the stay of execution about 30 minutes after it had been scheduled on Wednesday night.

King had no personal witnesses and did not speak any final words, but he did issue a written statement: “Capital Punishment: Them without the capital get the punishment,” according to the [Texas Tribune](#).

He died about 12 minutes after he was given a lethal dose of pentobarbital, at 6:56 p.m., according to the Tribune.

Some community members still talk about the negative impression left by the horrific crime and legal aftermath. Wilson, the lead investigator, said he felt the news media had given Jasper the image of a backward country town.

“But we weren’t,” he said. “I think our juries showed the country and the world that we were not the racist bunch of hicks that we were being portrayed as in the media.”

Byrd has been named as the motivation for laws to strengthen penalties for hate crimes that were passed in Texas and signed by Gov. Rick Perry in 2001 (George W. Bush, when he was governor, had declined to support the measure, saying all crimes are hate crimes, according to [the Associated Press](#)) and at the federal level, in a bill signed into law [by President Barack Obama](#) in 2009.

<https://www.washingtonpost.com/nation/2019/04/25/james-byrd-jr-killer-john-william-king-executed-texas-hate-crime/>

Byrd's family has been divided over execution as a punishment for the crime.

Betty Boatner, one of Byrd's sisters, told CNN after Brewer's execution she had forgiven him. Byrd's son, Ross, said at the time, "You can't fight murder with murder." Ross's sister Renee Mullins said after Brewer's execution that she would rather it had been a life sentence, [according to CNN](#).

Harris said she has found some solace in the strengthening of hate-crime laws around the country since her brother's killing. Still, she said, she did not want to overlook the problems that remain.

Byrd's grave has been desecrated twice, she said, once when someone kicked over the headstone and again when someone painted racial slurs nearby. It is now protected behind a locked gate.

"This is not an ending," she said, "because hate is still around."

Robert Barnes contributed to this report.

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SEE ALSO:

[Texas executes avowed racist in black man's dragging death](#) [*The Associated Press*, 2019-04-25]

[Texas Executes White Supremacist for 1998 Dragging Death of James Byrd Jr.](#) [*The New York Times*, 2019-04-24]

[White supremacist executed in Texas for dragging death of black man](#) [*Reuters*, 2019-04-24]

[Texas executes white supremacist convicted in gruesome 1998 hate crime](#) [*USA TODAY*, 2019-02-24]

[James Byrd's death forever changed hate crime law. One of his killers is about to be executed.](#) [*The Washington Post*, 2019-04-24]

[Texas will execute man tied to one of the most gruesome modern hate crimes](#) [*USA TODAY*, 2019-04-23]

Religion

AP joins global initiative to expand reporting on religion

The Associated Press, April 24, 2019



In this April 4, 2019, file photo, a Kashmiri Muslim woman with her face covered prays as the head priest displays a relic at the Hazratbal shrine on the occasion of Mehraj-u-Alam, believed to mark the ascension of Prophet Muhammad to heaven, in Srinagar Indian controlled Kashmir. The Associated Press is joining with the Religion News Service and the nonprofit publisher The Conversation to form a global initiative to expand news reporting on religion in the United States and around the world. (AP

Photo/Dar Yasin, File)

The Associated Press is joining with the Religion News Service and the nonprofit publisher The Conversation to form a global initiative to expand news reporting on religion in the United States and around the world.

The collaboration is being funded by an 18-month, \$4.9 million grant from Lilly Endowment Inc. to the Religion News Service's parent organization, the nonprofit Religion News Foundation. The grant represents one of the biggest investments in religion news coverage in decades.

The initiative will create a joint news desk to produce multi-format coverage of major faiths, with a focus on illuminating the religious practices and principles that underlie current events and cultural movements.

To help build the initiative, the AP will hire eight religion journalists, and the Religion News Service will hire three. The Conversation will add two editors. The organizations will also hire additional business staff to help administer the grant.

"This collaboration significantly expands AP's capacity to explore issues of faith, ethics and spirituality as a social and cultural force," said AP Vice President and Managing Editor Brian Carovillano.

The initiative "fundamentally transforms religion journalism in the U.S. and globally," said Thomas Gallagher, CEO of the Religion News Foundation and publisher of its news service. "Competent, reliable, professional religion journalism is needed more than ever."

Bruce Wilson, chief innovation and development officer at The Conversation, which publishes analysis and commentary from academic experts, said the initiative "can bring our fresh insights to an even wider range of audiences across the country and globally."

Each of the three organizations will retain editorial control of its content, which will be labeled and distributed by the AP. Opinion pieces from the Religion News Service will be available to AP members and customers but will not run on AP's news wire.

The Indianapolis-based Lilly Endowment has sought to improve public understanding of religion by funding documentaries about religious leaders and traditions and by supporting the Religion News Service.

"This is an opportunity to bring content about religion to a much broader audience and market than has previously been possible," said Michael Fabiano, AP's vice president for local media.

Sexual Assault / Harassment

Federal officials to review Wisconsin Guard assault protocol

By Todd Richmond

The Associated Press, April 24, 2019

MADISON, Wis. (AP) — Federal military officials have agreed to review how the Wisconsin National Guard handles sexual assault in the wake of multiple alleged incidents dating back to 2002, Gov. Tony Evers and U.S. Sen. Tammy Baldwin said Wednesday.

Evers and Baldwin, both Democrats, [asked](#) the National Guard Bureau's Office of Complex Investigations in Washington, D.C., in March to review the Wisconsin Guard's sexual assault and harassment reporting procedures, investigative protocols and accountability measures. The governor and the senator issued a joint statement Wednesday morning announcing that OCI will conduct "a thorough, independent assessment" that could take several months.

"The bottom line is that our service members deserve to work in an environment that's free of sexual assault and harassment and the fear they might face retaliation for reporting," Evers said.

An OCI team will review Wisconsin Guard policies and practices, conduct on-site reviews at all major Wisconsin Guard locations, review sexual assault and harassment allegations and provide recommendations on how to prevent incidents, Evers and Baldwin said in a statement. They also asked any Wisconsin Guard members with concerns or complaints about sexual harassment and assault to email the OCI team at NationalGuardAssessment@wisconsin.gov.

"The men and women of the Wisconsin National Guard deserve an environment free of sexual harassment and assault and I believe this impartial outside review of past actions, current protocols, and future improvements is the best way to meet that objective," Baldwin said.

National Guard Bureau spokeswoman April Cunningham had no immediate comment. Wisconsin National Guard spokesman Capt. Joe Trovato said in an email to The Associated Press that the Guard welcomes the review.

"The Wisconsin National Guard takes all allegations of sexual assault, harassment or misconduct seriously, and eliminating it from our ranks has long been one of our organization's top priorities," Trovato said. "We consistently communicate across all levels of our organization that sexual misconduct has no place in our ranks."

The U.S. Air Force is [already investigating](#) allegations of sexual assault and harassment within a Wisconsin Air National Guard security unit. Baldwin requested that probe in November after a master sergeant in the unit, Jay Ellis, told her office that he knew of six incidents between 2002 and 2016 and high-ranking officers had done little to address them.

Wisconsin Guard officials told reporters during a question-and-answer session earlier this month that they received [52 reports of sexual assault](#) between 2013 and 2017, with more than half related to military service. Guard investigators substantiated that 10 of the reports of incidents related to military service, meaning they felt there was enough evidence to continue down the path toward internal punishment.

The Guard has launched two court-martials for sexual assault since 2013. Trovato said in an email to the AP on Tuesday that one of the proceedings concluded in 2015 with a private sentenced to 30 days in jail and receiving a bad-conduct discharge for failing to obey orders, cruelty and maltreatment. The other involves a staff sergeant charged with sexual assault and indecent exposure, maltreatment, indecent conduct, disobeying a superior officer and making a false statement. That proceeding is still ongoing. He didn't have any further details from the two cases.

<https://www.apnews.com/0130815d7c124a10a4a2e85635616fc9>

The remaining eight cases have been referred for “administrative action” that could include demotions, reprimands and discharges, Trovato said during the question-and-answer session.

Wisconsin Guard officials said during that session that sexual assault has no place in the Guard’s ranks. They noted that victims can request confidentiality when they report incidents; in such reports the identity of everyone involved remains secret. Victims can get counseling services and the Wisconsin Guard’s leader, Adj. Gen. Donald Dunbar, is notified but no investigation begins.

They noted that victims can seek expedited transfers away from perpetrators within the same unit and commanders stress to their soldiers and airmen to conduct themselves professionally.

Evers said in an interview Wednesday that despite his call for a review he still stands by Dunbar, who has served as the Guard’s top commander since then-Gov. Jim Doyle appointed him to the position in 2007.

“I’m not questioning his leadership at all,” Evers said of Dunbar. “This study is not about individual personnel. It is all about making sure the climate and the procedures are in place to make National Guard members are safe and feel comfortable working.”

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<https://www.marinecorpstimes.com/news/your-marine-corps/2019/04/22/recording-device-reportedly-found-in-womens-bathroom-aboard-ship-with-the-22nd-meu/>

Recording device reportedly found in women's bathroom aboard ship with the 22nd MEU

By Shawn Snow

Marine Corps Times, April 22, 2019



U.S. Marines with the 22nd Marine Expeditionary Unit zero M249 squad automatic weapons during a live-fire training exercise on the flight deck of the San Antonio-class amphibious transport dock ship Arlington (LPD 24), March 5. (Staff Sgt. Andrew Ochoa/Marine Corps)

Naval Criminal Investigative Service is investigating a report that a recording device was found in a women's bathroom aboard the San Antonio-class amphibious transport dock Arlington, according to Navy officials.

The device was found by a female Marine aboard the ship in a bathroom that is primarily used by female Marines, though available to female sailors as well, according to Cmdr. Kyle Raines, 6th Fleet spokesman.

“The command has taken, and will continue to take, all necessary actions to ensure the safety and privacy of the victim,” Raines said in an emailed statement to Marine Corps Times.

“The Navy/Marine Corps team takes all reports of sexual harassment seriously, and are committed to thoroughly investigating these allegations and providing resources and care to victims of sexual harassment,” Raines added.

It's not the first time the Navy has had to deal with illicit filming or photos of female service members aboard a Navy vessel.

In 2015, at least 12 sailors were caught up in a ring to film female crew undressing aboard the ballistic missile submarine Wyoming.

Out of the 12, eight were court-martialed, three went to captain's mast and one was not charged. One of the sailors court-martialed was acquitted, according to a [Navy Times](#) story.

The Arlington is part of the Kearsarge Amphibious Ready Group and embarked with the 22nd Marine Expeditionary Unit.

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The incident is under investigation and the Navy provided no other details.

The story was first reported by [NBC News](#).

[Shawn Snow](#) is the senior reporter for Marine Corps Times and a Marine Corps veteran.