

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.

1st Woman Completes Marines' Urban Leaders Course [Gina Harkins, *Military.com*, 17 May 2019]

- One of the Marine Corps' female infantry riflemen hit another milestone when she became the first woman to graduate from the service's Urban Leaders Course.
- Lance Cpl. Autumn Taniguchi, with 2nd Battalion, 4th Marines, finished the three-week course that prepares leathernecks to lead troops in urban environments on May 3.
- Seeing Taniguchi complete the course gives women in the Marine Corps another thing they can say they are able to accomplish, said Staff Sgt. Ken Rick, Urban Leaders Course chief instructor. "Not necessarily begging for acceptance but proving to the males that they can do this," Rick said in the release.

[1st Woman Completes Marines' Urban Leaders Course](#)

Citing "survey fatigue" the Corps cuts command climate surveys to 1 a year [Shawn Snow, *Marine Corps Times*, 23 May 2019]

- Marines take a number of surveys from health assessments, command climate to safety issues, and now Marines are telling their commands they've had enough.
- According to a recent Marine [administrative message](#), the Corps says it is reducing the number of required command climate surveys to just one a year—citing recent feedback from the fleet that has spotlighted "survey fatigue," the message reads.
- Maj. Craig Thomas, a spokesman for Manpower and Reserve Affairs, said the new policy removes the CCCS survey and leaves in place the DEOCS as the only required climate survey. "Statistical analysis of DEOCS shows having more people complete the DEOCS provides leadership with a more accurate picture of the organization's climate," Thomas said. "By reducing the amount of surveys on this topic, the Marine Corps seeks to improve the validity of the results through increased participation."

[Citing "survey fatigue" the Corps cuts command climate surveys to 1 a year](#)

Older Americans more likely to cite workplace discrimination [Andrew Soergel, *The Associated Press*, 23 May 2019]

- About half of Americans think there's age discrimination in the workplace, according to a poll by The Associated Press-NORC Center for Public Affairs Research.
- Three-quarters of adults 60 and older—and 65% of those between ages 45 and 59—say they believe their age puts them at a disadvantage when looking for work. One in 10 adults 60 and over and about 2 in 10 of those age 45 to 59 say they have been passed over for a raise, promotion, or chance to get ahead specifically because of their age. 75% of women over 45 say their age puts them at a disadvantage when looking for work, compared with 65% of older men.
- The federal Age Discrimination in Employment Act bars discrimination in the workplace on the basis of age. A recent decision by the 7th U.S. Circuit Court of Appeals in Chicago said that only current employees can be protected by certain elements of the statute, effectively loosening the restrictions on employers screening older individuals out of their applicant pool.

[Older Americans more likely to cite workplace discrimination](#)

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Culture

Court Reporters May Be Writing Down Black People's Testimonies Wrong

By Leila Ettachfini

Vice.com, May 23, 2019



Image by dcdebs via Getty

A new study shows that stenographers frequently fail at correctly understanding and transcribing African American English, which can have devastating consequences for Black people in court.

In 2013, Rachel Jeantel, a close friend of 17-year-old Trayvon Martin, testified during the trial of George Zimmerman. Jeantel, a young Black woman who was on the phone with Martin moments before he was killed, took the stand and spoke with the words she normally would—in what academics would call "African American English (AAE)." Her tone was stern and quiet. Naturally, she was upset; she had just lost a close friend.

In the aftermath of her testimony, Jeantel was heavily criticized by mostly-white media pundits and outlets. On Megyn Kelly's "America Live," attorney Jonna Spilbor commented that the then-19-year-old [came across](#) as "brutally ignorant." On Fox News, Sean Hannity insisted that she had a "credibility problem." A juror on the case [told](#) Anderson Cooper that she found Jeantel "hard to understand" and "not credible."

As the last person to speak to Martin, Jeantel was the prosecution's star witness. But her testimony went largely ignored because the nearly all-white jury did not understand her. Now, a new study outlines how common such a lack of understanding is—and outlines the detrimental, life-altering impact it can have for Black Americans within the U.S. criminal justice system.

After watching Jeantel's testimony and the criticisms that followed, an interdisciplinary team of researchers from various institutions decided to test the frequency with which AAE is misunderstood within the courtroom. Their [new study](#), which will be published in the journal *Language* next month, builds on previous research that found that court reporters frequently fail at accurately transcribing and comprehending testimonies spoken in AAE, resulting in crucial inaccuracies. (While African American Vernacular English—AAVE—has commonly been used to describe African American English, AAE refers to a broader dialect outside informal or vernacular use.)

Court reporters create real-time transcripts of the dialogue that takes place within a trial. What they take down is important: Attorneys use these transcripts to plan cross-examinations and jurors refer to them to come to a verdict. As a standard, court reporters are required to achieve at least 95 percent accuracy in their transcriptions before they are certified. They are tested on speed, punctuation, spelling, and specific medical and legal jargon in Standard American English (SAE).

For the study, called "Testifying while black: An experimental study of court reporter accuracy in transcription of African American English," researchers tested already-certified court reporters based in Philadelphia by asking them each to transcribe 83 sentences in everyday AAE. The recordings featured nine different native AAE speakers recruited from West Philadelphia, North Philadelphia, Jersey City, and Harlem, who each have had contact with the criminal justice system. On average, the 27 court reporters who took part were only able to record AAE speakers with 82.9 percent accuracy.

"In some cases, the errors were not harmful, because they were uninterpretable," said Taylor Jones, one of the study's authors and a graduate student at the University of Pennsylvania. "In others, they changed participants, actions, and order of events." In 31 percent of the 2,241 transcriptions, researchers found, the

https://www.vice.com/en_us/article/ywynzj/court-reporters-write-down-black-testimonies-wrong-study
court reporters' errors changed the content of what the speaker was saying, misinterpreting either who was involved, what was happening, when it happened, and/or where it happened.

“[These errors] could make or break an alibi in the real world,” Jones said.

“Once something is in the court record via the transcript, it legally becomes what was said even if it is inaccurate, which brings up questions of due process and equal protection under the law if some people are less likely to be accurately transcribed than others,” said Jessica Kalbfield, another of the study’s four authors and a grad student at New York University. “We know that AAE is primarily spoken by African Americans, though of course not all AAE speakers are African American and not all African Americans speak AAE.” Black Americans are [more likely](#) to be arrested, convicted, and face longer prison sentences than white Americans.

According to the study, none of the court reporters had training in AAE, despite it being widely common in their city and disproportionately represented in court.

Jones pointed out that a lack of understanding with AAE is not limited to court reporters, who happened to be the easiest group to test. “Miscomprehension of AAE, coupled with an assumption of understanding, is likely rampant,” he said.

In 2017, Warren Demesme [told Louisiana police](#), “Give me a lawyer, dawg.” But police failed to end their interrogation and provide Demesme with a lawyer, as federal law mandates. Justice Scott Crichton justified their actions, writing that “the defendant’s ambiguous and equivocal reference to a 'lawyer dog' does not constitute an invocation of counsel.”

“It’s an absurd result, and not one that can be entirely blamed on the transcriber,” said legal scholar Patricia J. Williams, “but it goes to a larger point about the very willingness to understand [AAE].”

“AAE has more complicated grammar than ‘standard’ English,” Jones said. “[But] research consistently demonstrates that non-speakers of AAE (generally but not always non-Black people) tend not to understand these features. AAE is stigmatized, despite being equally valid, systematic, and rule-governed as other language varieties.”

How Hollywood can really help the US military

By Thomas Ayres

Air Force Times, May 19, 2019



Richard Gere and Debra Winger star in 1982's "An Officer and a Gentleman." Hollywood can reach Americans at a young age and shift cultural attitudes, the author writes. (Paramount Pictures)

The U.S. [military has a problem](#). It can defeat ISIS' physical caliphate, decimate al-Qaida in Afghanistan, and keep the international order we have enjoyed since the end of World War II, but when it comes to eradicating a certain problem within our force, we haven't cracked the code.

What is this problem? [Sexual assault](#).

Military sexual assault has arguably always been a problem. It managed to escape public limelight for decades, but thanks to Hollywood and the #MeToo movement, the issue is finally getting the serious attention it deserves.

The military is the [most trusted institution in America](#), and we recognize that to earn and keep that trust, we must educate our leadership and [eradicate sexual assault](#) from our ranks. We're taking steps in that direction.

Last month in Annapolis, I attended the inaugural [National Discussion on Sexual Assault](#) and Sexual Harassment hosted by America's College, Universities and Services Academies. University presidents, academy superintendents, researchers, members of Congress and survivors, to include U.S. Sen. Martha McSally, [who is in both latter categories](#), discussed their frustration with this problem that continues to haunt college campuses and the nation at large. The military has led the way in sharing and analyzing data, but with a dearth of effective programs to date more must be done to find, fund and study prevention strategies that prove to have an impact.

Until we can [figure out how to prevent this crime](#), the department is taking steps to ensure we effectively handle reports of sexual assault. Acting Secretary of Defense Patrick Shanahan established the Sexual Assault Task Force, of which I am a member, to examine the military judicial process for sexual assault cases, looking specifically at the investigative process and accountability. On April 30, we delivered our recommendations to Secretary Shanahan.

This is progress, but there is more work to do. The National Discussion held at Annapolis confirmed attitudes about sexual relations are shaped early by family, friends, the media and the internet. Students' minds are nearly cemented on this topic before they're eligible to join the military.

Hollywood, this is where your military needs your help.

Hollywood has a platform to shift cultural attitudes and reach Americans at a young age. This platform has been used for good in the past. Once it was depicted "cool" to drive drunk and smoke cigarettes, but Hollywood, with an assist from organizations like Mothers Against Drunk Driving and the U.S. Surgeon General, helped change that narrative. The days of Humphrey Bogart chain smoking on the big screen gave way to high school classmates voluntarily turning over their car keys to a "keymaster" before a drinking party in the 1989 John Cusack romantic comedy "Say Anything."

That same shift is needed now to help eliminate sexual assault from our civil society and our military. Forceful sex — buttons ripped off blouses, bodies slammed against walls — have always been part of Hollywood's passion playbook. But that needs to change. Even worse, violence, aggression, objectification of women and unacceptable sexual behavior has seeped into everyday film far too often. Hollywood and

<https://www.airforcetimes.com/2019/05/19/how-hollywood-can-really-help-the-us-military/>
the entertainment industry, as they have before, can help shape what exclusive, “yes-means-yes” consent and healthy relationships look like.

No one should do more to provide an environment free of sexual abuse than the U.S. military — one occurrence is one too many. However, this crime permeates our society, and the civilian and military worlds must work together to create holistic solutions. Our sons and daughters deserve no less.

If you are a victim, please contact the DoD Safe Helpline to find the help and resources you need. Call 800.656.HOPE (4673).

Thomas Ayres is the U.S. Air Force general counsel.

Maine to become first state to ban Native American mascots in public schools

By David Williams
CNN, May 17, 2019



Skowhegan High School was the last high school in Maine with a Native American mascot.

(CNN) Maine's governor has signed a bill making the state the first to prohibit public schools, colleges and universities from using Native American symbols as mascots.

Gov. Janet Mills signed the measure on Thursday and it will go into effect 90 days after the Legislature adjourns.

"While Indian mascots were often originally chosen to recognize and honor a school's unique connection to Native American communities in Maine, we have heard clearly and unequivocally from Maine tribes that they are a source of pain and anguish," [Mills said in a statement](#).

The [law will prohibit public schools](#) from "having or adopting a name, symbol or image that depicts or refers to a Native American tribe, individual, custom or tradition and that is used as a mascot, nickname, logo, letterhead or team name of the school."

Rep. Benjamin Collings, a Portland, Maine, Democrat, sponsored the legislation and said he was proud that Maine is honoring the state's tribes.

"Our tribal communities laid the foundation of our state. They are people, not mascots," he said in a statement released by the governor's office.

- [Chief Wahoo has been sidelined. Redskins, you're up.](#)

Ambassador Maulian Dana of the Penobscot Nation said she has been fighting to change Native American mascots since she was a teenager.

"It is very meaningful to have my daughter here at this signing ceremony along with our tribal leaders, allies and friends," she said.

In March, the school board in Skowhegan [voted to retire the "Indian" mascot at Skowhegan Area High School](#) after emotional debates in the community. It reportedly was the last high school in the state with a Native American mascot.

Several states have some restrictions on the use of Native American mascots, or have enacted resolutions calling for the end of their use.

SEE ALSO

[Maine will be the first state to legally ban Native American mascots in schools](#) [2019-05-18]

Only 55% of Americans Know Why the Nation Marks Memorial Day, Survey Finds

By Richard Sisk

Military.com, May 21, 2019



(Elizabeth Fraser/U.S. Army)

Only 55% of Americans know what [Memorial Day](#) is about, and only about one in five plan to fly a flag at half-staff or attend a patriotic event on May 27, according to a Harris poll survey commissioned by the University of Phoenix.

The survey, conducted April 9-11 among 2,025 adults, showed that only 28% had attended a local ceremony or patriotic event on a previous Memorial Day. It also found that only 23% had flown a flag at half-staff, while 22% had left a flag or flowers at a gravesite or visited a military monument.

Only 55% could correctly describe Memorial Day as a day to honor the fallen from all the nation's wars, the Harris survey states, and 45% said they either always or often attended a commemoration activity.

About 27% of those surveyed thought Memorial Day honored all military veterans, 5% thought it honored those currently serving, and 3% thought the day marked the official beginning of summer, the survey states.

Of those who said they had participated in some form of commemoration activity on Memorial Day, 52% said they had thanked a veteran, 14% said they had worn a Memorial Day button, and 14% said they had joined in a National Moment of Remembrance, according to the survey.

Older adults are more likely to observe Memorial Day and describe it correctly, the survey found. About 53% of those aged 55-64 commemorated Memorial Day, compared with 40% of those aged 18-34, according to the survey's findings.

Former [Army](#) Sgt. Brian Ishmael, director of Military and Veterans Affairs at the University of Phoenix, said in a phone interview that it is "a little bit disappointing" to know that so many Americans are unaware of the true meaning of Memorial Day.

Ishmael, who served two tours in Iraq with the 101st Airborne Division, said that "being a combat veteran myself, that has to be a bit disappointing."

At the University of Phoenix, "we put a lot of emphasis" on explaining the real meaning of Memorial Day, he said. For this Memorial Day, the mostly online university will continue a 10-year tradition of planting flags on the Phoenix campus.

This year, the university plans to plant 15,000 flags with the theme "Their Legacy Lives On," Ishmael said.

However, the for-profit University of Phoenix has had a checkered history of serving veterans and its use of [GI Bill](#) funds for tuition.

In 2009, the university agreed to a \$67.5 million settlement with the federal government on allegations that it was illegally paying recruiters based on the number of students enrolled.

And in 2015, the Defense Department suspended the university from recruiting on military bases and accessing federal education funds.

It was alleged that the university had violated rules against for-profit colleges seeking to gain preferential access to potential students from the military. The suspension was lifted in 2016.

<https://www.military.com/daily-news/2019/05/21/only-55-americans-know-why-nation-marks-memorial-day-survey-finds.html>

Ishmael acknowledged the allegations against the university but said they are dated, and the school is now "100% focused on our veterans" and their education.

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

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U.S. Treasury backs away from plan for Harriet Tubman on \$20 bill next year

By Makini Brice

Reuters, May 22, 2019



WASHINGTON (Reuters) - The U.S. Treasury will not introduce a redesigned \$20 bill picturing escaped slave and abolitionist Harriet Tubman next year as planned, Treasury Secretary Steven Mnuchin said on Wednesday.

In 2016, the Treasury Department said it would replace former President Andrew Jackson's image on the front of the bill with that of Tubman by 2020, along with redesigns of the \$5 and \$10 bill.

President Donald Trump has called the inclusion of Tubman on the \$20 bill an example of "pure political correctness."

As a presidential candidate, Trump suggested Tubman would be better-suited for the \$2 bill, a note that is not widely circulated.

Mnuchin said during a hearing with the House Financial Services committee he was focused on redesigning the bills to address counterfeiting issues, not making any changes to their imagery.

"We will meet the security feature redesign (goal) in 2020. The imagery feature will not be an issue that comes up until most likely 2026," Mnuchin told lawmakers.

"It is not a decision that is likely to come until way past my term, even if I serve a second term for the president, so I am not focused on that at the moment," Mnuchin added.

He declined to tell lawmakers in the hearing if he supported putting Tubman on the bill.

Tubman was born into slavery and grew up on a Maryland plantation, escaping in her late 20s. She returned to the South to help hundreds of slaves to freedom and later worked as a Union spy during the Civil War. She died in 1913.

The decision to put Tubman on the \$20 bill followed months of outreach from the Treasury Department on which woman should be featured on the note.



Anti-slavery crusader Harriet Tubman is seen in a picture from the Library of Congress taken photographer H.B. Lindsley between 1860 and 1870. REUTERS/Library of Congress/Handout via Reuters

There have been no women depicted on U.S. bills since former first lady Martha Washington, who was featured on the \$1 silver certificate from 1891 to 1896, and Native American woman Pocahontas, who was included in a group image on the \$20 bill from 1865 to 1869.

Other women, including Native American interpreter Sacagawea, suffragist Susan B. Anthony and author and activist Helen Keller have been featured on coins.

Jackson, the seventh president of the United States, has been criticized for his ownership of slaves and treatment of American Indians. In the redesign announced in 2016, he would have remained on the back of the \$20 bill.

Reporting by Makini Brice; Editing by Cynthia Osterman. Our Standards: [The Thomson Reuters Trust Principles](#). © 2019 Reuters. All Rights Reserved.

Why the Vietnam War Memorial is amazing

By Jan Scruggs

Military Times, May 20, 2019



A flower is laid on the names of fallen troops on "The Wall" of the Vietnam War Memorial in Washington on Nov. 12, 2018. (Eric Baradat/AFP via Getty Images)

On May 28, 1969, while bleeding to death in Vietnam, I was preparing to die at age 19 after saying the Lord's Prayer. Brave US troops, all draftees, found and dragged me to safety. I recovered and completed my tour.

May 28, 1979, I rented a room at the National Press Club and boldly told the media in attendance that there would be a national memorial in Washington engraved with the names of the fallen honoring all who served in the recently completed Vietnam War. I had national credibility from my research on combat trauma at American University. The memorial would give them recognition and, perhaps, some healing for the entire nation. The success of the plan was unlikely, led by a naive GS 7 federal employee named Scruggs. Yet, the memorial was funded and built in record time for the November 1982 dedication.

- [To many Americans, Memorial Day has lost its meaning](#)

A dedicated team planned the project led by several grads of the West Point and the Harvard Business School. We held the largest design competition ever and endured a raging national controversy over the avant-garde design chosen, which has worked so masterfully since 1982, enjoyed by over 5,000,000 visitors annually. The designer was Maya Lin, then a 21-year-old student at Yale University.

What is often called "The Wall" also led to unanticipated outcomes, including the Korean War Memorial in 1993 and the World War II Memorial in 2004, on America's Mall. If imitation is the most sincere form of flattery, The Wall deserves awards. There are several 1/2, 3/4 and full scale replicas traveling the country since 1984.

Pensacola, Florida, made a granite replica ([The Wall South](#)) a few years later near the naval base. Recently a full-scale granite replica was [dedicated in Missouri](#) by a Vietnam vet — desiring the healing that often emanates from the memorial — to be closer to the veterans in the western USA. The replica faces the sun at the same angle as in Washington. Other replicas come and go from veterans groups. One entrepreneur was selling 1/2 and 3/4 scale replicas in the neighborhood of \$200 or more for interested people to have on their property.

The Wall is amazing. There is no anthropological or sociological precedent for a monument with such characteristics or replication. This would include the phenomena of probably a half-million items which have been left at the Wall, stored by the National Park Service. Some of these items have been displayed in the Smithsonian and the Imperial War Museum in London. And let's not forget Rolling Thunder, with its hundreds of thousands of motorcycle riders who ride to The Wall from as far away as Oregon. The Wall is like Mecca or the Western Wall in Jerusalem that compels the faithful to visit.

- [5 ways to support families of the fallen on Memorial Day](#)

The talking point for the memorial was to "separate the war from the warrior" to honor the service of our citizens who gave their lives in the rice paddies of Vietnam. Victory was elusive, as is the case in Afghanistan.

It is fascinating to think that 75 years ago, on June 6, 1944, thousands of America paratroopers and infantry were on their way to the beaches and cliffs of Normandy, France, where many are now buried in cemeteries

<https://www.militarytimes.com/opinion/commentary/2019/05/20/why-the-vietnam-war-memorial-is-amazing/>

after laying down their lives. When I visited Normandy and places like Gettysburg I always remember the sobering, haunting words of World War I veteran, Archibald MacLeish, written during World War II.



Jan Scruggs (courtesy photo)

“The Young Dead Soldiers Do Not Speak”

"Nevertheless they are heard in the still houses: who has not heard them?"

"They have a silence that speaks for them at night and when the clock counts.

"They say, We were young. We have died. Remember us.

"They say, Our deaths are not ours: they are yours: they will mean what you make them.

They say, Whether our lives and our deaths were for peace and a new hope or for nothing we cannot say: it is you who must say this."

Enjoy Memorial Day 2019, where we live in safety and freedom in the United States of America. Take a moment to think of the fallen who did their duty and who are in harm's way on this day.

Jan Scruggs is founder of the Vietnam Veterans Memorial, was an infantryman in Vietnam, and was appointed chairman of the Selective Service System's National Appeals Board by President Obama in 2013.

Discrimination

Older Americans more likely to cite workplace discrimination

By Andrew Soergel

The Associated Press, May 23, 2019



Kevin Kusnitz, a 63-year-old New Yorker who spent years being rejected from jobs for which he felt overqualified following an August 2012 layoff, poses for a photo on New York's East River, Wednesday, May 22, 2019. About half of Americans think there's age discrimination in the workplace, according to a new poll by The Associated Press-NORC Center for Public Affairs Research. (AP Photo/Richard Drew)

CHICAGO (AP) — Are older workers being discriminated against on the job? The answer appears to depend on the age of the person asked.

About half of Americans think there's age discrimination in the workplace, according to a poll by The Associated Press-NORC Center for Public Affairs Research.

But there's a split by age. The poll finds 60% of adults age 60 and over say older workers in the U.S. are always or often discriminated against, while 43% of adults younger than 45 say the same.

"I just think they're not really aware of it," says Wendy Sachs, 48, an author and speaker. She often has discussed her own experiences with age discrimination applying for and working at New York City startup companies.

Federal law bars age discrimination in employment. Yet three-quarters of adults 60 and older — and 65% of those between ages 45 and 59 — say they believe their age puts them at a disadvantage when looking for work. One in 10 adults 60 and over and about 2 in 10 of those age 45 to 59 say they have been passed over for a raise, promotion or chance to get ahead specifically because of their age.

"They look at you kind of strange as you apply for a job. And I immediately know 'Oh, well, I'm not going to get hired,'" says Kevin Kusnitz. The 63-year-old New Yorker spent years being rejected from jobs for which he felt overqualified after an August 2012 layoff.

Kusnitz now works a few days each week as a background actor in movies and television shows through Central Casting New York, and he says his wife "makes a good salary" to help support them. But after his initial layoff at 56, he says he spent years unsuccessfully trying to land a job.

He believes his age was a primary reason his job search failed to gain traction. As he filled out one particular online application, he was asked to select his birth year from a drop down menu. He discovered the menu didn't go back far enough for him to enter an accurate date.

"I think it only went back to the 1970s. I thought 'Wow, I'm not even in the drop-down range. I really am old,'" he says.

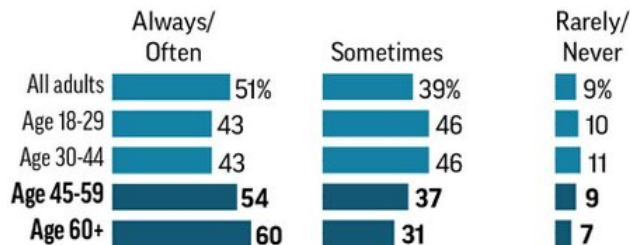
By comparison, younger adults are more likely to think their age puts them at an advantage. Nearly half of those under 30 and about one-third of those age 30 to 44 say they feel their age is a benefit.

Sachs applied for a handful of startup jobs in New York about five years ago. She says she was often competing against 20-somethings for positions and was at times made to feel like an outsider because of her age. She recounts one awkward exchange with a younger hiring manager who dismissed the physical resume she'd brought to her interview, instead insisting on a digital copy.

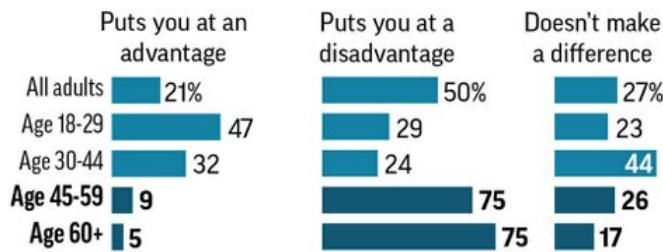
Older workers see discrimination

An AP-NORC Center poll finds that most older workers believe age-based job discrimination is a frequent occurrence, and that their age is a disadvantage when seeking work.

Q: How often do you think **older workers** experience age-based discrimination in the workplace?



Q: When looking for work, do you think your age ...



Results based on interviews with 1,423 U.S. adults conducted Feb. 14-18. The margin of error is ± 3.7 percentage points for the full sample, higher for subgroups.

SOURCE: AP-NORC Center for Public Affairs Research

AP

Sachs eventually landed a position but was let go shortly thereafter. She says she was led to believe her experience commanded too high a salary and that younger, less experienced workers would fill her role for less pay.

Meanwhile, the survey shows 75% of women over 45 say their age puts them at a disadvantage when looking for work, compared with 65% of older men.

“For women, we see an early onset (cases of age discrimination), and the discrimination is much more severe,” says Patrick Button, an assistant economics professor at Tulane University. “I think there is a lot of sexism in aging.”

Button and his fellow researchers mocked up and distributed more than 40,000 fake job applications to online postings. They found that resumes designed to look like they belonged to an older applicant, particularly an older female applicant, were less likely to get a call back.

“There’s some evidence of age discrimination against men, but more so men at retirement age rather than men at age 50,” Button says.

The federal Age Discrimination in Employment Act bars discrimination in the workplace on the basis of age. A recent decision by the 7th U.S. Circuit Court of Appeals in Chicago said that only current employees can be protected by certain elements of

the statute, effectively loosening the restrictions on employers screening older individuals out of their applicant pool.

“Hiring discrimination — you almost never have any proof. If you think about how people look for jobs these days, it’s almost all online,” says Laurie McCann, a senior attorney at the AARP Foundation. “You send your resume off into a black hole. Maybe you receive a reply that thanks you for your application, but you have no idea why you were screened out or who got the job ahead of you. It’s very hard to prove.”

Even as most older adults say older workers face discrimination at work, 21% of adults 60 and over do say they feel more respected at work because of their age. The survey also finds only about 1 in 10 of adults over 60 are worried about their ability to do their job.

William Moore, a 77-year-old resident of Washington state, says he began working at an Enterprise Rent-a-Car outfit after retiring as a mechanic.

“The only issue was, were you able to do the job. If you were doing it a little slower, OK, we do it slower,” he says. “I think (age discrimination) might be an issue in some jobs, but I didn’t see it in mine.”

EDITOR’S NOTE — Andrew Soergel is studying aging and workforce issues as part of a 10-month fellowship at The Associated Press-NORC Center for Public Affairs Research, which joins NORC’s independent research and AP journalism. The fellowship is funded by the Alfred P. Sloan Foundation.

<https://apnews.com/dc208bc4bbda4f7b9a13559df8b00e50>

The AP-NORC Center survey of 1,423 adults was conducted by The Associated Press-NORC Center for Public Affairs Research with funding from the Alfred P. Sloan Foundation. It was conducted Feb. 14 to 18 using a sample drawn from NORC's probability-based AmeriSpeak Panel, which is designed to be representative of the U.S. population. The margin of sampling error for all respondents is plus or minus 3.7 percentage points.

Respondents were first selected randomly using address-based sampling methods, and later interviewed online or by phone.

Online:

AP-NORC Center: <http://www.apnorc.org>

Diversity

1st Woman Completes Marines' Urban Leaders Course

By Gina Harkins

Military.com, May 17, 2019



U.S. Marine Corps Lance Cpl. Autumn Taniguchi, a rifleman with Company F, 2nd Battalion, 4th Marine Regiment, 1st Marine Division, simulates a patrol during an Urban Leadership Course (ULC) at Marine Corps Base Camp Pendleton, California, April 24, 2019. (U.S. Marine Corps/Lance Cpl. Ana S. Madrigal)

One of the [Marine Corps'](#) female infantry riflemen hit another milestone when she became the first woman to graduate from the service's Urban Leaders Course.

Lance Cpl. Autumn Taniguchi, with 2nd Battalion, 4th Marines, finished the three-week course that prepares leathernecks to lead troops in urban environments on May 3.

"This course is not easy," Taniguchi said, according to a Marine Corps news release. "I didn't expect it to be easy, but it also helps to show me that I can do more than I thought I could."

The Urban Leaders Course, which is led by 1st Marine Division Schools at [Camp Pendleton](#), California, covers room clearing, close-quarters battle and combat marksmanship. Students are taught to make challenging leadership decisions in an urban setting through realistic training scenarios and live-fire ranges.

None of the course standards has changed since women began serving in infantry roles, the release states, adding, "Every Marine who undergoes the training is expected to execute the mission regardless of gender."

Seeing Taniguchi complete the course gives women in the Marine Corps another thing they can say they are able to accomplish, said Staff Sgt. Ken Rick, Urban Leaders Course chief instructor.

"Not necessarily begging for acceptance but proving to the males that they can do this," Rick said in the release.

Taniguchi credited the instructors with giving the students the knowledge they needed to pass the course. Rick said they focus on tactics and what Marines can expect to see in urban warfare, but more than half of the course is devoted to teaching students how to be creative thinkers.

"You're not going to be given every single tool on how to accomplish the mission, [but] because you're a Marine, you're going to get it done regardless," he said.

Taniguchi said she's not out to pave the way for other women, even as she accomplishes firsts no female Marine before her has accomplished.

Her decision to become a grunt "wasn't anything special," she said. "I just wanted to be in the infantry."

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Army Beginning to See Payoff from New Recruiting Strategy

By Matthew Cox

Military.com, May 22, 2019



Staff Sgt. Roger L. Whaley speaks with Phillip McDonald about the possibility of becoming a journalist or X-ray technician for the Army at the U.S. Army Recruiting Station in Radcliff, Ky. (U.S. Army/Sgt. Carl N. Hudson)

Army Recruiting Command officials said recently that the service is starting to see results from the new recruiting strategy it launched last year.

In October, [Army](#) senior leaders [pledged to increase recruiting efforts in 22 major cities](#) after the service [missed its recruiting goal](#) for the first time since 2005, falling roughly 6,500 recruits short.

The effort has involved senior leaders meeting with city officials, as well as adding hundreds more recruiters to beef up the service's recruiting force -- on the ground and across social media.

Recruiting is now up in 18 of the 22 focus cities, according to a recent Army news release offering Army Recruiting Command (USAREC) figures for April.

"Recruiting is up 27 percent in Minneapolis over this time last year, New York City has improved 19 percent and Baltimore is up 17 percent," according to the release.

Until this year, recruiting success typically seen in the rural South was not shared by the big cities, the release states.

"We're trying to bring a lot of balance to our recruiting effort and focus in on the largest metropolitan areas in the country," Under Secretary of the Army Ryan McCarthy said in the release, adding that the effort involves meeting with city officials and educators to help build new relationships.

At a Baltimore meeting, officials opened up all 43 of the city's recreation centers to recruiters, the release states.

"It was a great meeting because it opened doors," Col. Amanda Iden, commander of the Baltimore Recruiting Battalion, said in the release.

In addition to playing basketball with youth, recruiters uploaded the Army's "March2Success" software on computers at the centers, so students could study there for college boards and other entrance exams, the release states.

"It's a tool to teach you how to take tests. ... It focuses on your weaknesses," Iden said in the release.

In addition to increasing its recruiting force by 770 recruiters, the Army has added virtual recruiting teams (VRTs) to each of its 44 recruiting battalions to reach out to potential recruits through social media.

The teams consist of three to six soldiers who work in all types of social media. The VRTs are currently manned at about 80 percent, but they will reach 100 percent by this summer, according to the release.

These VRTs are "force multipliers" for recruiters, Col. James Jensen, director of the USAREC Commander's Initiatives Group, said in the release.

When a potential candidate responds to a social media post and asks a question, the virtual recruiters will initially respond, then pass the prospect off to a neighborhood recruiter, he added.

<https://www.military.com/daily-news/2019/05/22/army-beginning-see-payoff-new-recruiting-strategy.html>

Recruiting Command has identified 65 different types of neighborhoods, or "segmentations," based on demographic data from the last U.S. census, the release states.

One of the main segmentations in downtown Baltimore is the "Urban Modern Mix," Iden said.

Characteristics for people in this segmentation include listening to urban adult contemporary music and having an interest in boxing. Virtual recruiting teams use such data to help target their social media posts, she said.

Despite the progress, recruiting officials say the effort is far from complete.

"While these initiatives go on, this is a plane in flight," Jensen said in the release. "We have to deliver every day. So you've got to be very cognizant of what you're doing and how many ripples in the water you do to the recruiting force."

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Government Needs to Diversify Its Cyber Workforce

By Brandi Vincent

Nextgov.com, May 21, 2019



J. Scott Applewhite/AP

And experts told Congress that agencies will need to intentionally expand how and where it looks for talent.

The federal government must immediately work to reverse the under-representation of women and racial and ethnic minorities in its cyber workforce by increasing funding across America's education system and tapping into more inclusive talent streams, lawmakers and a panel of experts said Tuesday.

"Right now, the vast majority of the cybersecurity workforce is white and male—only 9% are African American, 4% are Hispanic and 11% are women," Cybersecurity, Infrastructure Protection and Innovation Subcommittee Chairman Cedric Richmond, D-La., said at a [hearing](#) on the cyber talent pipeline in Washington. "Now that I have the gavel, I want to use it to drive home an important point: Diversity is essential for national security, and for cybersecurity."

In his opening statement, Richmond referenced the White House's recently issued [executive order](#) on America's Cybersecurity Workforce, noting that it was "mostly silent" on diversity.

"Officials reportedly explained that they 'hoped diversity would be a natural byproduct' of the order," Richmond said. "This is exactly the type of thinking we cannot afford to have if we are serious about reversing trends."

Panelists from across industry and academia offered insights into ensuring equitable representation of women and minorities within the cybersecurity field.

Richard Gallot Jr. serves as president of Grambling State University, a historically black university, that will soon launch Louisiana's first cybersecurity undergraduate program and America's 13th. Gallot said establishing partnerships and pushing collaboration between K-12 institutions, community colleges and universities is vital to addressing the issue and increasing access to cyber education particularly for people in rural areas that may have less opportunities.

"Creating that pipeline from high school to either a community or junior college and then into a university is something that has worked well for us," he said.

Lawmakers and panelists all agreed that the government should reject the prevailing cultural notion that cyber expertise requires a four-year degree and they encouraged feds to increase grants and funding for cyber education not only to four-year universities, but also for certificates, accreditations or other educational programs.

But Gallot said, right now, society still requires the minority students he serves to get a college education.

"For a black student who is going and applying for a job, I think he or she stands a better chance of being seriously considered for that job if they have a degree. That's part of the reality of the environment that we live in," Gallot said.

Amelia Estwick, an educator with years of experience working in federal cyber operations and who was the first African-American woman to graduate from the National Security Agency's Computer Network Operations Development Program, said a diverse cyber workforce helps reduce inherent national security blindspots.

<https://www.nextgov.com/cybersecurity/2019/05/government-needs-diversify-its-cyber-workforce/157174/>

“I feel that there’s certainly experience I bring to the table that other people just don’t have,” she said.

“Having a multitude of people around you with all those different perspectives, we are able to see different areas of a problem.”

Estwick said the government should waste no time in implementing new mentorship and sponsorship programs for minority students.

“We talk about diversity a lot in conversation and sometimes it’s frustrating for me because we talk about it so much, but I don’t see it in action,” she said.

Wesley Simpson, chief operating officer for the world’s largest membership association of certified cyber professionals that regularly commissions market research around these issues, (ISC)², highlighted that unequal pay between genders in the cyber workforce persists as a problem and fewer minorities occupy cyber leadership roles, despite being highly educated.

“The major opportunities as we see them are a stronger focus on equal pay for women and minorities in cybersecurity, more advancement and leadership opportunities for deserving professionals, formalized mentorship programs to help unearth untapped potential and hidden talents, and more programs that expose young women and minorities to technical skills earlier in their educational lives,” he said.

West Point to graduate record number of black female cadets

By Michael Hill

The Associated Press, May 23, 2019



In this May 7, 2019 photo, black female cadets with the Class of 2019 pose at the U.S. Military Academy in West Point, N.Y. The 34 women comprise a small slice of the roughly 1,000 cadets in the class. The cadets say they're proud to be part of a milestone at the historic academy after four years of testing their limits. (Cadet Hallie H. Pound/U.S. Army via AP)

WEST POINT, N.Y. (AP) — The class of cadets preparing to jubilantly toss their caps in the air at the U.S. Military Academy's graduation ceremony Saturday includes 34 black women, a record

number that's a sign of concerted efforts to diversify West Point's Long Gray Line.

West Point remains mostly white and mostly male. The 34 women comprise a thin slice of the roughly 1,000 cadets in the Class of 2019. Sometimes, they're the only women of color in a classroom. Still, cadets said they're proud to be part of a milestone at the historic academy after four years of testing their limits.

"I just showed myself and those who thought I couldn't do it initially that yes, I can," said senior cadet Stephanie Riley, of Jacksonville, Florida. "And not just, 'yes, I can.' I can show other little girls that yes, you can come to West Point. Yes, you can do something that maybe the rest of your peers aren't actually doing. And yes, you can be different from the rest of the group."

Riley was among the black female cadets who recently posed for pre-graduation photos in their gray uniforms, holding out ceremonial sabers. The pictures — part of a tradition for graduating cadets — were posted widely online and became a symbol of West Point's increasing diversity.



Senior cadet Gabrielle Young, of Hopkins, South Carolina, is one of the few in her class chosen for medical school. (AP Photo/Mark Lennihan)

"I was more excited to just take the picture because it means that we're all graduating and it was great to be there with a lot of my sisters who have been there for me in very tough times during summer training and during the academic year," said senior cadet Gabrielle Young, from Hopkins, South Carolina. "I didn't expect it

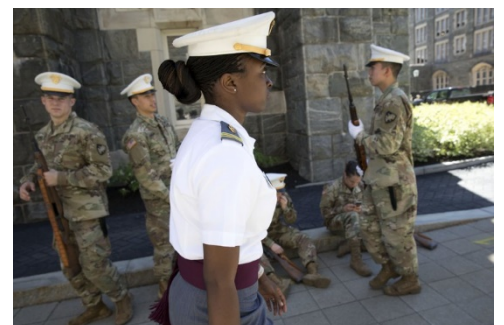
to have the impact that it did around the country."

While West Point challenges every cadet, experiences can be different for black females.

Riley said people would look to her for comment during classroom discussions about race or slavery. Young said she's acutely aware of how she carries herself and how she's perceived by different people.

Senior cadet Stephanie Riley, of Jacksonville, Florida, walks across campus at the U.S. Military Academy.

"I feel like in some ways that I do have to prove myself a little bit more, prove that I belong here. And even a classmate told me, I think our freshman year, that I only got in because I was a black female," said Young, one of the few in her class chosen for medical school.



<https://apnews.com/7ccb2bda63ac4aaaa980d745b4bcd7f6>

West Point boosted efforts to recruit women and blacks after being told to diversify in 2013 by then-Army Chief of Staff Gen. Raymond Odierno. The academy changed its marketing approach and opened a diversity office. Admissions officials increased outreach to metropolitan areas like New York City, Atlanta and Detroit. Not all of these efforts were aimed specifically at minorities or women, but they broadened the search for qualified candidates.

The addition of NCAA women's lacrosse and rugby also helped West Point attract high school athletes.

The class graduating Saturday includes 223 women, the largest number since the first female cadets graduated in 1980. The 110 African Americans poised to graduate is an all-time high and double the number from 2013. The class includes the largest number of Latinos, 88.



Members of the senior class march past a statue of George Washington during Parade Day on May 22 at West Point.

“We’re beginning to see the fruits of our labors,” director of admissions Col. Deborah McDonald said.

In another milestone, Lt. Gen. Darryl A. Williams became the first black superintendent at West Point last summer. In 2017, Simone Askew was the first black woman to become first captain of the Corps of Cadets, the highest student position at academy.

Even with the progress in diversity, West Point has not been immune to issues faced by the military and society. Sexual assault and harassment have been such a persistent problem that Williams suspended classes for a day in February so the entire academy could focus intently on them. And it was only four years ago that 16 black female seniors inadvertently stirred up controversy by raising clenched fists in one of their own pre-graduation pictures.

Critics saw political overtones in a gesture that supporters said was made in good-natured solidarity.

On Saturday, Young and Riley will be among the graduates commissioned second lieutenants in the U.S. Army after an address by Vice President Mike Pence. Riley will go into the Signal Corps. Young will study to become a doctor.

“I don’t think I would trade this experience for anything in the world,” Young said. “I know that I’ve accomplished a lot and I know that I’m prepared for whatever.”

Human Relations

Graduating cadets' leadership led to changes big and small

By Julia Bergman

The Day (New London, Conn.), May 20, 2019



Cadets first class, from left, Colin Fenster, Anita Green, and Kelli Franza, pose for a photo before they join their classmates in the corps of cadets at the U.S. Coast Guard Academy in a regimental review Sunday, May 19, 2019. (Sean D. Elliot/The Day)

Earlier this year, when multiple cadets at the Coast Guard Academy engaged in self-harming behavior in the span of a month, first-class cadets Anita Green, Colin Fenster and Kelli Franza knew they wanted to do something.

They had a general idea of how they wanted to respond, and many of their peers approached them with their own suggestions. With the support of senior leadership at the academy, they organized a day for cadets to learn about support services available to them, and facilitated support groups and discussions around mental health.

"We were able to move forward with something the corps (of cadets) needed," said Franza.

Green, Fenster and Franza, in their roles as regimental commander, executive officer and chief of staff, respectively, lead the corps of cadets with assistance from a regimental staff. Cadets must apply to be in these leadership roles, which are open only to seniors, and rotate every semester.

Green, a self-proclaimed introvert, said she thought that being regimental commander, the highest ranking cadet, would provide "good leadership experience to fall back" on when she's a new junior officer in the fleet.

"You get that as a first-class cadet, but not on such a large scale," Green said of leading a population of nearly 1,000 students.

After graduating Wednesday, Green will serve as a student engineer on the Coast Guard cutter *Decisive*, based in Pensacola, Fla., which played a significant role in the response to the 2010 Deepwater Horizon spill, and conducts drug and migrant interdiction, among other missions. Green has aspirations to pursue aeronautical engineering later in her career.

As No. 2 in charge, Fenster hosted open forums throughout the semester for cadets to talk about "what's going wrong or right."

"The three of us have the leverage to bring that up to senior leadership, and can have a frank discussion and say, 'I think we should move forward with this idea because this is really going to help improve how things run here,'" said Fenster.

He will be serving as a deck watch officer on the Coast Guard's polar icebreaker *Healy*, based in Seattle, Wash., used primarily for supporting scientific research in the Arctic.

Sometimes the changes they've helped to enact seemed small, such as instituting buffet-style breakfasts two days a week as opposed to one. But they had a noticeable impact on the quality of life for cadets, who must adhere to a regimented schedule over which they have little control.

"It may not be huge, earthshattering, groundbreaking things. The little things we can do on a day-to-day basis, those things add up," Fenster said.

Some seniors might not want to take on a leadership role during their last semester of college.

<https://www.theday.com/article/20190520/NWS09/190529954>

"But ultimately we have the most experience being here, and we do have a voice. We do have input," Franza said.

"I wanted to be a voice for all the people I've interacted with," she said.

As chief of staff, Franza managed a staff of six, who helped organize many of the events on campus and made sure they ran smoothly. Franza will report to Alameda, Calif., after graduation to serve on the Coast Guard cutter Bertholf as student engineer.

The Bertholf deployed to the Asia-Pacific region in January, as part of an expansion of Coast Guard operations in the region. The Bertholf can carry out a number of missions such as counter-terrorism activities and search and rescue, among others.

The Class of 2019 graduates from the academy Wednesday. National Security Adviser John Bolton is the scheduled keynote speaker.

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Minnesota National Guard takes look at itself, makes changes after 12 soldier suicides

By Kevin Doran

5 EYEWITNESS NEWS/ /KSTP-TV (Saint Paul, Minn.), May 20, 2019

The Minnesota National Guard is changing what it does to prevent suicides. It comes after a surge in deaths that made top commanders take a hard look at why they were happening.

After 12 young soldiers, all men and from all corners of Minnesota, died by suicide in less than a year-and-a-half, the [Minnesota National Guard](#) asked for help.

PFC Joel Costa was one of the soldiers. He served with the Guard in Duluth for two years. Costa died on Feb. 12, 2017. His death shocked his family because he seemed happy.

"Basically, we got a call Saturday morning that he didn't show up for drill," said Costa's mother, Kelly Costa-Daly. "There was nothing necessarily out of normal, as far as we could see on the outside."

We first met Kelly in April on the steps of the Minnesota State Capitol. She's involved with [Operation 23 to Zero](#), which puts boots out to raise awareness about military suicides. Her son's boots were there.

Costa is one of the 12 Minnesota National Guard soldiers who took their lives between June 2016 and October 2017. What impact did it have on the National Guard community?

"Rocks them to the core, rocks them to the core," said Costa-Daly. "I have never seen soldiers in tears like I did then."

The motto of the Minnesota National Guard is "Always Ready." But, after a dozen deaths, it was ready to ask for help from the [Minnesota Department of Health](#) to prevent suicides.

Epidemiologist Melissa Heinen conducted fatality reviews of all 12 deaths.

"These are young men in sort of what you'd see as the prime of their life, right? They just had a whole future ahead," said Heinen.

Heinen turned back the clock, and looked at service records and police reports. She read obituaries and news stories.

"And we take that information, along with the death certificate, and we try to describe the week or two before, what were the circumstances that led to their death?"

The common perception with military suicides is the person might've done tours overseas, saw combat, suffered from PTSD or had problems transitioning at home. But, that's not what the fatality review found.

"No, I mean these are individuals who life was really difficult and they didn't have connections to hope or help, which we know are affective," said Heinen. "It was a lot of the life stressors that sort of add up and pile up."

Costa's family believes he was upset after learning a student loan for medical school was delayed and he'd have to wait for the money.

"So, I think that was a huge stressor for him," said his mom, Kelly.

She thinks he was too proud to ask his parents for help, or reach out to his superiors in the National Guard, fearing it might hurt his chance for a promotion.

Heinen's fatality review concluded the Minnesota National Guard has plenty of [support services](#), but soldiers are reluctant ask for help.

<https://kstp.com/news/minnesota-national-guard-looks-itself-changes-12-soldier-suicides-/5360618/>

"We need to find ways to communicate better," said Heinen. "Especially, it appears, to our young adult males, that reaching out and asking and getting help is a good thing. It's not a weakness." Costa-Daly agrees.

"I think there needs to be a culture where a soldier can say, 'I'm not okay. It doesn't mean I'm never going to be okay, it just means I'm not okay right now and I need something,'" Costa-Daly said.

Lt. Colonel Dean Stulz is Deputy State Surgeon. His job is to make sure the 11,000 soldiers of the Minnesota National Guard are healthy. Taking a look in the mirror wasn't easy.

"Certainly, it's difficult," said Stulz. "You want to not have to do that. But, more importantly, we felt it was extremely important to do just that."

Another recommendation from the fatality review is that the National Guard needed to have more conversations about mental illness. We asked Stulz if you can prevent suicide by talking about it.

"I think you can. You have to ask the question," Stulz said. "You have to listen to the answer and then you have to take action. If the answer you get back requires action, you need to be ready to do that."

In late October, the Minnesota National Guard made changes. Now, more counselors attend weekend drills. Soldiers meet in small groups to talk about mental health and wellness. Officers receive suicide intervention training. And, National Guard leaders look at soldiers differently.

"I think we need to think about them as soldiers, but really, first and foremost as persons; spouses and brothers and cousins and friends and neighbors," said Heinen.

There have been no deaths by suicide in the Minnesota National Guard since the changes were made 8 months ago.

"Gaining trust," said Stulz. "We need to give our leaders the opportunity and the time to sit down with soldiers and gain that trust. And I think it's worked well so far. You know, it's early, but the feedback we're getting from the soldiers is very positive."

Joel Costa didn't die in vain. In fact, the 12 young men who died by suicide have given the National Guard a new awareness. They were willing to put their lives on the line for the State of Minnesota. Now, the State of Minnesota is using the loss of their lives to save others.

The collaboration with the Minnesota Department of Health will continue as they evaluate programs and services.

We all play a role in preventing suicide. If you or someone you know is having suicidal thoughts or struggling, help them get care and find hope. You can make a difference.

- Connect with the [National Suicide Prevention Lifeline](#) at 1-800-273-8255, press 1 for veteran supported services.
- Text MN to 741741 to get in touch with the Crisis Text Line.
- [Military OneSource](#) can be reached by calling 1-800-342-9647.
- [Base Camp Hope](#) is a faith-based organization, committed to educating veterans and the community about PTSD, using creative and alternative methods to build a strong support system for broken families in need of restoration. The number to call is 651-283-8459.
- [Vets Prevail](#) offers online Counseling.
- You will find information on substance abuse and addiction at [DrugRehab.com](#).
- [Veteran Support Outreach](#) can be reached at 877-655-5116.

Troop Divorce Rate Continues Slow But Steady Decline

By Amy Bushatz

Military.com, May 20, 2019



About 3% of troops married at the start of 2018 divorced over the course of the year, according to the statistics. That is a decline of 0.1% percent compared to 2017. (U.S. Army/Timothy L. Hale)

Divorce rates among active-duty troops continued a very slow, decade-long decline in 2018, according to Defense Department personnel data obtained by Military.com.

About 3% of troops married at the start of 2018 divorced over the course of the year, according to the statistics. That is a decline of 0.1% percent compared to 2017, contributing to the slow drop over the last decade, according to Benjamin Karney, a researcher with Rand Corp. who has long studied military divorce trends.

"It's been declining very, very, very gradually for the last 10 years," he said.

The overall annual divorce rate is calculated by comparing the number of service members married at the start of the fiscal year with the number who reported divorces by the end of it. The data is further broken down by the Pentagon by service, gender, and officer versus enlisted.

Although the overall rate has fluctuated slightly over 10 years, the true trend can be masked by the small numbers of married service members in some categories, Karney said. For example, at the start of fiscal 2018, only 740 female officers in the [Marine Corps](#) were married.

That means the best way to track whether a rate decline is underway is to look at the largest subgroup -- enlisted male soldiers. In 2009, the divorce rate among that group was 3.3%. Since then, it has fallen to 2.7%, according to the newly released data.

"There's been no drastic changes; there's been the continuation of the trend toward very gradual declines," Karney said.

The rate of divorce among female officer and enlisted troops has historically been more than double that of their male counterparts. That remained true in 2018, with 6.3% of female troops' marriages ending in divorce over the year, compared to 2.6% of male service members' marriages.

But what the Pentagon's divorce statistics do not reflect is the challenges placed on military marriages after transition back to civilian life. While Karney said he has heard researchers say they want to investigate those trends, he knows of no such study currently underway.

He said it is hard to speculate whether the stress of military life causes high divorce rates after transition. For example, stress from the loss of military benefits could cause relationship challenges that lead to divorce, but that would not be a direct result of service.

"All else being equal, when you leave the military and you lose those benefits, it might make those marriages fall apart," Karney said.

The divorce rate among military personnel and the total U.S. divorce rate cannot be easily compared because they are not measured the same way. The total U.S. divorce rate, which is measured per 1,000 residents and does not factor in five states including California, sat at 3.2 percent in 2016, the latest year for which information is available.

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VA To Codify Customer Experience As Part of Core Values

By Aaron Boyd

Nextgov.com, May 17, 2019



Bakhtiar Zein/Shutterstock.com

The need to consider ease, effectiveness and emotion in all decisions will become part of the department’s Code of Federal Regulations.

The Veterans Affairs Department has been working to improve the experience it delivers to its customers—America’s veterans—and is set to enshrine a set of customer experience principles as part of its core values and ethics.

On Monday, the Office of Management and Budget will [publish a final rule](#) in the Federal Register officially adding the principles to the VA Core Values and Characteristics section of the Code of Federal Regulations, or CFR. The section will be renamed to reflect this, as well, with the new title “Core Values, Characteristics and Customer Experience Principles of the Department.”

“Maintaining a sustained organizational commitment to, and institutionalized focus on, the voice of the customer is a critical component of modernizing VA to meet the needs and expectations of veterans, their families, caregivers and survivors,” according to the rule change set for publication Monday. “Codifying these principles will ensure that they receive the proper emphasis at all levels within VA, are clearly understood by the workforce, and, most importantly, become an enduring part of the VA culture.”

While the emphasis on customer service has been pervading the department, Lynda Davis, chief of the Veterans Experience Office, noted priorities could change under future leaders and administrations.

“The commitment to a culture of ensuring the highest experience for our customers—who are our veterans, families, caregivers and survivors—that has to be permanent. That can’t be changing,” Davis told *Nextgov*.

The idea to include customer experience as a core department value came from Deputy Chief Veterans Experience Officer Barbara Morton, according to her boss.

“It was Barbara’s idea to ensure that [Secretary Robert Wilkie’s] vision of a sustained commitment to customer experience in the VA was hardwired into everything we did in terms of our policy and practices,” Davis said, noting the CFR is “the fundamental, permanent backbone of the department.”

The added sections centralize the department’s efforts to improve customer experience around three legs:

- **Ease:** VA will make access to VA care, benefits, and memorial services smooth and easy.
- **Effectiveness:** VA will deliver care, benefits and memorial services to the customer’s satisfaction.
- **Emotion:** VA will deliver care, benefits, and memorial services in a manner that makes customers feel honored and valued in their interactions with VA. VA will use customer experience data and insights in strategy development and decision-making to ensure that the voice of veterans, servicemembers, their families, caregivers, and survivors inform how VA delivers care, benefits, and memorial services.

The “3 Es of CX” is a framework developed by the research firm Forrester, Davis said, calling it “the best way to measure trust that industry has established.”

Forrester’s principal analyst for customer experience, Rick Parrish, said he was encouraged by the pending regulation change, especially the focus on the third E.

<https://www.nextgov.com/it-modernization/2019/05/va-codify-customer-experience-part-core-values/157115/>

“Unfortunately, government organizations discuss emotion very rarely. Instead, they focus on Ease and Effectiveness,” he said. “But no matter how easy and effective a customer experience is, it won’t be great unless it leaves customers feeling the way they need to feel.”

Specifically, Parrish said the use of specific words like “honored and valued” show the department is empathizing with its customers.

“Too often, even private-sector companies that focus on emotion simply pick emotion words like ‘delight’ or ‘happy’ or ‘joy’ without really studying which emotions are most important to CX quality,” he said. “It looks to me like VA has avoided that pitfall and chosen specific emotions that it knows will create great CX.”

Miscellaneous

Army veteran indicted in California bomb plot against rally

The Associated Press, May 22, 2019



FILE - This undated California Department of Motor Vehicles photo provided by the U.S. Department of Justice shows Mark Domingo. A federal grand jury has indicted the U.S. Army veteran for allegedly plotting to plant a bomb at a planned rally by white supremacists in California. The U.S. Attorney's office says Wednesday, May 22, 2019, that the indictment charges Domingo with providing material support to terrorists and attempted use of a weapon of mass destruction. (U.S. Department of Justice via AP, File)

LOS ANGELES (AP) — A U.S. grand jury on Wednesday indicted an Army veteran in a plot to plant a bomb at a rally by white supremacists in California.

The indictment charged 26-year-old Mark Domingo with providing material support to terrorists and attempted use of a weapon of mass destruction, the U.S. attorney's office said.

His public defender, David Wasserman, declined to comment on the charges.

Domingo was arrested last month. Investigators said he wanted to kill people at a Nazi rally that was planned in Long Beach but didn't happen.

Domingo discussed several types of attacks with an informant that included targeting Jews, churches and police, court papers said.

He also spouted about violent jihad in online forums, according to court documents that spell out online chats and conversations recorded over two months.

Domingo posted an online message March 3 saying, "America needs another Vegas event," an apparent reference to the 2017 mass shooting in Las Vegas that killed 59 people, documents show.

The records indicate that he said it would spark civil unrest to weaken "America by giving them a taste of the terror they gladly spread all over the world."

Domingo, a combat veteran who served four months in Afghanistan before being kicked out of the Army, converted to Islam and was plotting attacks across Southern California to seek revenge for killings at two New Zealand mosques, prosecutors said.

Domingo is scheduled to be arraigned on May 31. He could face life in prison if convicted of all charges.

Citing ‘survey fatigue’ the Corps cuts command climate surveys to 1 a year

By Shawn Snow

Marine Corps Times, May 23, 2019



Sgt. Tracey Rodriguez, a member of a female engagement team with the 22nd Marine Expeditionary Unit, reloads an M4A1 carbine during an exercise on the flight deck aboard the Wasp-class amphibious assault ship Kearsarge (LHD 3). (Mass Communication Specialist 2nd Class Casey Moore/Navy)

Marines take a number of [surveys](#) from health assessments, command climate to safety issues, and now Marines are telling their commands they’ve had enough.

According to a recent Marine administrative message, the Corps says it is reducing the number of required command climate surveys to just one a year — citing recent feedback from the fleet that has spotlighted “[survey fatigue](#),” the [message reads](#).

Before the new climate survey policy, a commander, depending on the unit, had to crank out the following: Commandant’s Command Climate Survey, or CCCS, Ground Climate Survey, Command Safety Assessment Survey, Maintenance Climate Assessment Survey, and the Administrative Support Personnel Assessment Survey, according to Maj. Craig Thomas, a spokesman for Manpower and Reserve Affairs.

Those surveys were in addition to the command climate survey mandated by the fiscal year 2013 annual defense legislation, known as the Defense Organizational Climate Survey, or DEOCS.

“Under this construct, a unit in full compliance with all survey requirements for an 18-month command tour would take 5 DEOCS, 3 CCCS, and at least 3 additional surveys, and possibly as many as 6, depending on the type of unit,” Thomas told Marine Corps Times in an emailed statement.

Thomas said the new policy removes the CCCS survey and leaves in place the DEOCS as the only required climate survey. The two surveys, he added, generally covered the same climate factors and removing one would not result in the loss of valuable feedback.

While the Corps is looking to cut back on command climate surveys, they have been important tools for commanders to view how Marines perceive the command and issues within the unit.

Issues with command climate have also resulted in the removal of numerous Marine commanders for abusive, discriminatory or toxic work environments.

Moreover, the new Marine administrative message comes on the heels of the firing of four Marine commanders over the past several weeks. However, two of those incidents appear to be related to alcohol, and another may be linked to a training fatality.

- [Another Marine commander fired: California 1st Recon Battalion lieutenant colonel relieved of command](#)

In 2017, [Col. Daniel P. O’Hora](#) was fired by then-Training Command leader Brig. Gen. Jason Bohm, over what an investigation described as a “hostile” and “dangerous” command.

“I have never seen or heard of a Marine Corps command so broken and climate so hostile, the mental health of the members is at a dangerous level and if unchanged could result in heightened incidents to loss of life,” a memo from the Equal Opportunity Office to the commander of Training Command says.

“Immediate intervention is needed to heal the command and return it to its once glory.”

<https://www.marinecorpstimes.com/news/your-marine-corps/2019/05/23/citing-survey-fatigue-the-corps-cuts-command-climate-surveys-to-1-a-year/>

[Lt. Col. Armando Gonzalez](#), the former commander of Marine Wing Support Squadron 371 out of Yuma, Arizona, was fired after an investigation said the commander created a toxic work environment.

And [Military.com](#) reported that in 2018 five out of seven commanders were relieved over some equal opportunity concerns.

“It’s because of command climate, how they treat people, how they treat people of different genders,” then-Assistant Commandant of the Marine Corps Gen. Glenn Walters said, [Military.com](#) reported.

Equal opportunity concerns and biases can be spotlighted in command climate surveys.

The Corps contends its effort to streamline the climate surveys is also about obtaining better results.

- [A Navy audit says the Marine Corps’ noncompliance with health surveys could hinder early detection of PTSD](#)

“Statistical analysis of DEOCS shows having more people complete the DEOCS provides leadership with a more accurate picture of the organization’s climate,” Thomas said. “By reducing the amount of surveys on this topic, the Marine Corps seeks to improve the validity of the results through increased participation.”

Marines take at least three health surveys, a predeployment health screening, a post-deployment health assessment and a post-deployment health reassessment.

Officials says the three surveys are important in early detection of health issues like post traumatic stress.

The Corps has struggled to comply with deadlines requiring the health reassessment survey to be completed and certified within 90 to 180 days, according to a Navy audit.

The Marine Corps has argued that it is focused on survey completion rates, which have averaged around 75 percent for the past nine years. Completing the surveys within the required time frame is a bit of an administrative strain, officials say.

Some Marines also take unit specific surveys, which were not included in the administrative message and will be addressed at another time under a separate order.

While the Corps is reducing the number of command climate surveys, there are other ways Marines can provide feedback about their commands, which include speaking with members of your chain of command, chaplain or equal opportunity adviser, requesting mast, sending an anonymous email to the inspector general, or calling the NCIS tip line, Thomas said.

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

The Gap Between Male and Female Youth Suicide Rates is Narrowing in the U.S.

By Jamie Ducharme
TIME, May 17, 2019



[Getty Images](#)

For decades, U.S. boys have died by suicide far more frequently than girls, even though girls [attempt suicide](#) and report contemplating it more often. In the suicide prevention world, the phenomenon is known as [the gender paradox](#).

The paradox still persists today—but [new data](#) published in *JAMA Network Open* suggest the gap between male and female youth suicide deaths is narrowing.

“What we’re seeing is alarming,” says study co-author Donna Ruch, a researcher with the Research Institute at Nationwide Children’s Hospital in Ohio. “On top of the fact that females are thinking about suicide more and attempting suicide more, now they’re actually completing suicide.”

U.S. suicide rates are [rising across age groups](#) and demographics, and youth are no exception. But the uptick hasn’t been equal across genders. Starting in 2007, suicide rates for girls ages 10 to 14 began increasing annually by about 13%, compared to about 7% for boys, according to the new study. For teens ages 15 to 19, rates among girls and boys increased by about 8% and 3.5%, respectively, the new study says.

Suicide rates among teen girls hit a [40-year high](#) in 2015, according to previous federal data. And in the process, the disparity between male and female suicide rates has lessened considerably, Ruch says. In 1975, boys ages 10 to 14 died by suicide 3.14 times more than girls, but by 2016, they died 1.8 times more often. For boys ages 15 to 19, those numbers dropped from 4.15 to 3.31 over the same time period.

Suicide rate for US adolescents, ages 10-14
per 100,000 people

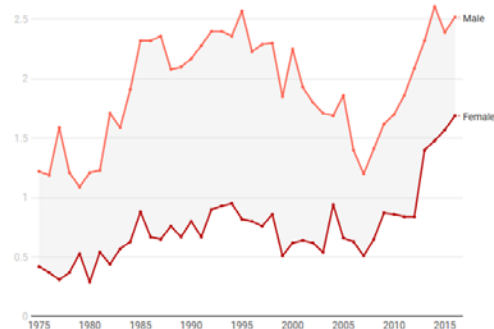


Chart: Elijah Wolfson for TIME • Source: JAMA Open Network • Get the data • Created with Datawrapper

Suicide rate for US adolescents, ages 15-19
per 100,000 people

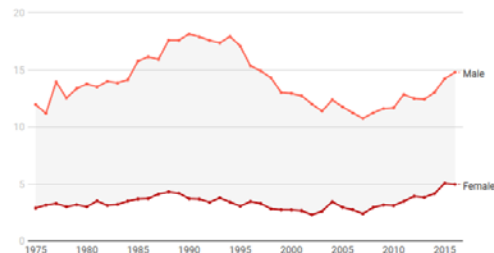


Chart: Elijah Wolfson for TIME • Source: JAMA Open Network • Get the data • Created with Datawrapper

[\[Interactive graphic on the article’s original web page\]](#)

Researchers reached those conclusions by analyzing the roughly 85,000 youth suicide deaths logged in a Centers for Disease Control and Prevention database from 1975 to 2016.

The data couldn’t tease out why rates are rising more swiftly for girls than boys. But an uptick in [depression](#) and [anxiety](#) diagnoses among girls and young women has been well documented, and these mental health conditions are risk factors for suicidal behavior. The new study also found that girls are increasingly using more lethal means of suicide, such as hanging and suffocation. Historically, girls have been more likely to attempt suicide by less deadly methods, such as [poisoning](#), while boys have more often used lethal means like firearms. Those tendencies help to explain why girls outpace boys in rates of suicide attempts while the reverse is true for deaths.

The findings highlight the need for better gender-specific suicide prevention strategies, Ruch says. “Any time we see shifts in trends by gender we want to be aware, because when we think about suicide prevention, we want to take into account gender differences,” she says.

<http://time.com/5590344/youth-suicide-rates/>

Those differences can include risk factors for suicidal behavior. Girls are more susceptible to depression and anxiety, while boys are more likely to display conduct disorders or aggressive behaviors, which can be associated with suicidal behavior, Ruch says. Boys and girls also develop, both mentally and physically, at different paces. All of that, Ruch says, should be folded into suicide prevention standards.

Ruch says parents, educators and other adults shouldn't be afraid to [talk to kids, regardless of their gender, about suicide](#) and mental health, both to reduce stigma and to help them find help if they need it. "It's okay to talk to your children about it," she says. "At least we're having the conversation."

If you or someone you know may be contemplating suicide, call the National Suicide Prevention Lifeline at 1-800-273-8255 or text HOME to 741741 to reach the Crisis Text Line. In emergencies, call 911, or seek care from a local hospital or mental health provider.

Write to Jamie Ducharme at jamie.ducharme@time.com.

Plans to combat veterans suicide, boost VA benefits move ahead

By Leo Shane III

Military Times, May 22, 2019



House lawmakers passed a slate of nine veterans-themed bills on Tuesday. (Cliff Owen/AP)

In advance of Memorial Day, House lawmakers passed a series of nine veterans-themed bills, including several focused on [suicide prevention](#).

All of the measures must still be approved by the Senate before becoming law. But House lawmakers said the moves are an important effort to highlight the issue of [veterans mental health](#) to the public, and to push the Department of Veterans Affairs into [quicker action](#).

“The sad statistic shows after the 20 veterans and military service members who die by suicide, 14 of those 20 have not received VA health care,” said Rep. Mark Takano, D-Calif. and chairman of the House Veterans’ Affairs Committee, before the votes on Tuesday. “This is one step toward changing this tragic number.”

- [Frustrations mount over lack of progress on preventing veterans’ suicide](#)

All nine of the measures passed without objection. Several require more information from VA on mental health and suicide prevention efforts, including a measure from Rep. Max Rose, D-N.Y., which would require quicker notification to Congress of [suicide attempts on department campuses](#).

The chamber also advanced a measure from committee ranking member Phil Roe, R-Tenn., to expand eligibility for readjustment counseling that previously excluded members of the Coast Guard, National Guard and reserves.

Lawmakers also passed a measure to create a fourth administration within VA focused specifically on education and employment programs. Those efforts are currently housed within the Veterans Benefits Administration, and advocates have argued they don’t receive enough attention as a result.

- [Veterans education, employment programs could be shifted to a new transition-focused VA office](#)

The slate of veterans bills also included the [annual cost-of-living adjustment](#) for veterans benefits for next year.

The measure is a relatively non-controversial issue each year, tying the annual boost for a host of veterans benefits to the scheduled annual hike in Social Security benefits. Due to existing rules, lawmakers must pass the legislation each year, despite past efforts to make the cost-of-living increases automatic.

Senate leaders have not said when they may consider voting on the legislation. Both chambers are scheduled to break for a Memorial Day recess later this week.

[Leo Shane III](#) covers Congress, Veterans Affairs and the White House for Military Times. He has covered Washington, D.C. since 2004, focusing on military personnel and veterans policies. His work has earned numerous honors, including a 2009 Polk award, a 2010 National Headliner Award, the IAVA Leadership in Journalism award and the VFW News Media award.

Shanahan's gag rule memo nets bipartisan backlash

By Joe Gould

Defense News, May 22, 2019



Acting Defense Secretary Patrick Shanahan, joined at left by Chairman of the Joint Chiefs of Staff Gen. Joseph Dunford, testifies at a House Armed Services Committee hearing on the fiscal 2020 Pentagon budget on March 26, 2019. (J. Scott Applewhite/AP)

WASHINGTON — The top Democrat and Republican of the House Armed Services Committee said Wednesday they will act against acting Defense Secretary Patrick Shanahan's new restrictions on how the Pentagon tells Congress about international military operations.

HASC Chairman Adam Smith, D-Wash., and ranking member Mac Thornberry, R-Texas, said in statement they will use the nascent 2020 defense policy bill to address the restrictions, which would "dramatically limit Congress' ability to execute our constitutional prerogative." News of the policy was first reported by [The Washington Post](#) on Wednesday.

"Congress oversees the Department of Defense; but with this new policy, the Department is overstepping its authority by presuming to determine what warrants legislative oversight," Smith and Thornberry said. They added that the Defense Department "misunderstands the role and prerogatives of its committees of jurisdiction."

The panel is set to mark up its version of the 2020 National Defense Authorization Act in early June.

In a May 8 internal memo, Shanahan laid out the criteria for when Pentagon officials may provide congressional offices or committees information they request about operational plans and orders. It outlines a half-dozen guidelines through which military officials may share information with Congress.

The memo appears to have been inspired by concerns that lawmakers, who have security clearances, will not safeguard military plans. An unnamed defense official told the newspaper that the process in the memo was intended to provide more openness about special operations activities, not less.

Thornberry and Smith said the idea that Congress is a security risk for classified information "is both inexcusable and inaccurate."

"The Department is not in a position to evaluate Defense committees' worthiness to receive classified information, nor characterize our ability to appropriately protect it," the lawmakers said. "We intend to address this matter in the National Defense Authorization Act."

Reporters and watchdogs have been critical of decreasing transparency at the Pentagon and restricted information about troop deployments, specifically during Defense Secretary Jim Mattis' tenure.

On May 31, it will be a year since a Pentagon spokesperson or defense secretary held an on-camera briefing. Traditionally, spokespeople would hold on-camera briefings at least once a week.

One problem with the new policy is it lacks protections for whistleblowers, according to Irvin McCullough, a national security analyst for the Government Accountability Project. The concern is that the new policy could inhibit DoD employees from speaking out about misconduct.

McCullough's organization and the nonpartisan organization Open the Government have reported the policy proposal to the Office of Special Counsel, the government agency charged with investigating and correcting violations of whistleblower laws.

"We're afraid that DoD could use this memo to punish whistleblowers who talk to Congress about violations of law, rule, or regulation," McCullough said in an email.

Aaron Mehta contributed to this report.

Supreme Court rejects bid to overturn prohibition on military malpractice cases

By Leo Shane III

Military Times, May 20, 2019



The Supreme Court in Washington, D.C. is shown in January 2019. On Monday, the court opted not to hear a case which challenged the legal precedent barring individuals from suing the military for medical malpractice. (J. Scott Applewhite/AP)

The Supreme Court again on Monday opted not to hear a challenge to the legal precedent barring individuals from [suing the military for medical malpractice](#), a decision blasted by Justice Clarence Thomas as short-sighted and unfair.

“Unfortunate repercussions — denial of relief to military personnel and distortions of other areas of law to compensate — will continue to ripple through our jurisprudence as long as the Court refuses to reconsider (this issue),” Thomas wrote in [his dissent to the court’s decision](#) not to take up the challenge.

The move once again shifts from the courts to Congress debate on how to fix problems surrounding [the Feres Doctrine](#), a 1950 Supreme Court decision that blocks troops from claiming medical malpractice damages for actions related to their military service. At the time, the court found that military personnel injured by the negligence of another federal employee cannot sue under the Federal Tort Claims Act.

- [New measure would allow troops to sue for military malpractice mistakes](#)

Advocates were hopeful that the high court might reconsider the legal precedent by hearing the case of Daniel v. United States, which had been among potential pending cases for the court in recent months.

The case involves former Coast Guard Lt. Cmdr. Walter Daniel, whose wife, Rebekah, a Navy lieutenant, died in 2014 after bleeding to death following the birth of her daughter. She was a labor and delivery nurse at Naval Hospital Bremerton, Washington, where she died. Walter Daniel’s lawyers alleged that military doctors failed to react properly when she began bleeding excessively.

Because of the Feres doctrine, his lawsuit had been rejected by lower courts.

On Monday, the majority of the Supreme Court agreed with that decision and opted not to revisit the case. In addition to Thomas, Justice Ruth Bader Ginsburg voted in favor of allowing the issue to move ahead.

Military officials have repeatedly argued the precedent is needed to prevent frivolous lawsuits related to combat decisions. They also note that the Defense Department already has a compensation system in place for service members who die while on duty.

But critics have said the Feres doctrine has been too broadly interpreted, depriving troops of compensation and justice that they could receive if they were civilians.

Thomas wrote that by refusing to re-examine the issue, the Supreme Court has allowed the Feres doctrine to be twisted and strengthened over the years. He also lamented that Congress could find ways to address the issue “but it did not.”

- [Victims of military medical mistakes to tell their stories at congressional hearing seeking legal fixes](#)

Last month, Rep. Jackie Speier — D-Calif., and the chairwoman of the House Armed Services Committee’s personnel panel — announced new legislation to create an exemption in the Federal Tort Claims Act for military malpractice lawsuits

<https://www.militarytimes.com/news/pentagon-congress/2019/05/20/supreme-court-rejects-bid-to-overturn-prohibition-on-military-malpractice-cases/>

The new bill is named for Sgt. 1st Class Richard Stayskal, a Green Beret fighting stage-four lung cancer because of Army doctors errors. His lawyers have filed suit against the military but anticipate the same legal barriers as the other Feres doctrine cases have faced.

A hearing on the issue was held by the House Armed Services Committee last month, but no additional progress on the legislation has been announced. Advocates are planning a rally in Washington, D.C. on June 12 to push for congressional action on the issue.

“Congress must summon the courage to correct this antiquated law,” said Natalie Khawam, an attorney for Stayskal and one of the organizers of the event. “Congress now has the opportunity to fix this injustice. We need to stand up and ask Congress to support our troops.”

[Leo Shane III](#) covers Congress, Veterans Affairs and the White House for Military Times. He has covered Washington, D.C. since 2004, focusing on military personnel and veterans policies. His work has earned numerous honors, including a 2009 Polk award, a 2010 National Headliner Award, the IAVA Leadership in Journalism award and the VFW News Media award.

Misconduct

3 Silent Drill Platoon Marines booted from the Corps after hazing investigation

By Shawn Snow

Marine Corps Times, May 18, 2019



Marines perform during the Battle Colors Ceremony on Marine Corps Air Station Beaufort, South Carolina, March 23, 2015. (Cpl. Patrick J. McMahon/Marine Corps)

A [hazing investigation](#) by Naval Criminal Investigative Service into the Corps' Silent Drill Platoon resulted in at least five Marines being punished — three of whom recently were separated from the Corps, according to officials.

The completed [hazing investigation](#) into one of the most famous units in the Marine Corps shines a small spotlight into the commandant's backyard at one of its oldest garrisons, the Washington barracks.

Following a nearly four-month NCIS investigation that kicked off in November 2018, three Marines were charged with and pleaded guilty to Article 81 conspiracy and Article 92 failure to obey an order or regulation, Sgt. Maj. Matthew Hackett, the sergeant major for the D.C. barracks, told Marine Corps Times in an interview.

Those Marines spent about 25 and 49 days in pretrial confinement at the Rappahannock Regional Jail in Stafford, Virginia, Hackett said.

Following release, each received nonjudicial punishment, or NJP, which consisted of reduction in rank, 60 days restriction, forfeiture of one-half of a month's pay for two months with one month suspended by the commanding officer. All faced administrative separation from the Marine Corps, according to Hackett.

Two other Marines pleaded guilty to Article 92 and Article 134 general article. Those two Marines spent 4–5 days in confinement.

Following a short confinement, the two Marines received NJPs, which consisted of reduction in rank, 45 days restriction, 45 days extra duty, and forfeiture of one-half month's pay for two months with one month suspended, Hackett said.

Some of the hazing incidents involved assault with a closed and open fist and the use of a rifle buttstock with a nonfunctioning training rifle as a weapon. The five Marines punished for hazing included noncommissioned officers and junior ranking Marines.

Sexual assault allegations were also investigated, with NCIS determining there was not enough evidence to convict, Hackett said.

- [Marine Corps Silent Drill Platoon under investigation for hazing](#)

The Marines were placed in pretrial confinement to protect other Marines from hazing or retaliation, he said.

The Corps' marching 24 members of its Silent Drill Platoon are revered across the Corps and are charged with conducting close order drill with no voiced commands.

Their performances, which include spinning rifles and perfectly timed precision drill movements, have dazzled crowds in the Washington, D.C., area for decades.

<https://www.marinecorpstimes.com/news/your-marine-corps/2019/05/18/3-silent-drill-platoon-marines-booted-from-the-corps-after-hazing-investigation/>

Its elite status among Marines, and those who have had the opportunity to watch their performance during parade ceremonies, has at times made it a magnet for hazing within the unit.

Some Marines who have hailed from the unit have boasted of hazing within the organization as a prideful right of passage — an unfortunate common occurrence within some of the Corps' prestigious and elite units.

The Silent Drill Platoon's celebrity status has made stamping out hazing within the unit a difficult task for Corps leaders.

But the D.C. barrack's sergeant major says he believes it's preventable.

"I think we can eradicate it from our ranks," Hackett told Marine Corps Times.

The sergeant major says he teaches a required annual training hazing awareness class that discusses some of the unit's past issues with hazing. He also noted that the Silent Drill Platoon members attend additional hazing classes at the nearly two-month silent drill school.

"You have to make it [hazing classes] personal," Hackett explained. "If it's just PowerPoint, punch and go, you're missing the point."

That education, he argues, is bearing fruit.

The investigation into hazing within the SDP kicked off after a Marine came forward with allegations following the unit's annual hazing training, which took place Oct. 31, 2018.

"This wasn't a case where a senior Marine walked in on a hazing evolution," Hackett said.

Hackett said that eradicating hazing from some of the Corps' more prestigious and elite units is "about being humble."

"You have the honor, dignity and respect to be part of a unit that's been handed to you and given to you," he said. "But you don't own it."

The Corps, especially California-based [1st Marine Division](#), has struggled with combating hazing within its ranks, which often has been connected to Marines returning from combat deployments.

And those Marines who return home from combat overseas, Hackett says, "to come home, the honor of carrying that is not put on a T-shirt, it's carried within."

Following the hazing investigation, the SDP and schoolhouse have instituted some changes that will include more oversight at the battalion level "to ensure any elitist mindset is eliminated," Gunnery Sgt. John Jackson, a spokesman with the D.C. barracks, told Marine Corps Times in an emailed statement.

"The training goals remain the same," Jackson said, but the "more engaged battalion and platoon-level supervision ensure the platoon remains focused and the Marines are being trained within a professional atmosphere."

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

Navy SEAL, Marine Raider hazing that killed Army Green Beret left an irreparable hole in the lives of family, friends

By Todd South

Military Times, May 17, 2019



TWO NAVY SEALS ARE UNDER INVESTIGATION IN THE STRANGLING DEATH OF A GREEN BERET.

NAVAL STATION NORFOLK, Va. – Michelle Melgar sat in the front row of a courtroom, holding the coveted [Green Beret](#) her husband had earned, as one of the men who helped hold him down while others bound and choked him to death in what lawyers would call a “[juvenile and illegal hazing](#)” did his best to apologize for what he had done two years ago.

Near the end of the daylong proceeding Thursday, [Navy SEAL Chief Petty Officer Adam C. Matthews](#) said there was “no justification” for the hazing death of Army Staff Sgt. Logan Melgar in Bamako, Mali on June 4, 2017.

“I’ve carried the weight of Staff Sgt. Logan Melgar’s death every minute of every day since that night in Mali,” Matthews said. “I am tormented by my complacency at a time when my teammates required guidance and the situation required bold, decisive action. This was my fault and I accept total responsibility for the consequences of my poor decision ...”

Earlier that day, Melgar’s mother, Nitza Melgar, had her own words for one of the four men charged in her youngest son’s death.

Reading from a prepared statement, she told Matthews that he was not “a 17-year-old college frat boy out for a night on a lark” when he, a fellow Navy SEAL and two Marine Raiders busted down Melgar’s bedroom door with a sledgehammer, pounced on him and began binding him in duct tape before he began to asphyxiate and spit up blood.

“Logan was asleep,” Nitza said. “He was attacked and minutes later was dead.”

“You, sir, are a murderer,” she said. “Logan’s blood will never wash off of you.”

But, when it was Michelle Melgar’s turn, she reflected on the loving memories, stories of how the couple met while Logan was a 23-year-old man working at a retail clothing store in 2006 at the Texas mall where she shopped.

- [Leaked documents provide details about Green Beret’s death involving Navy SEALs and Marine Raiders](#)

How he became an almost instant father to her sons, ages 2 and 3 at the time they began dating. How, once Logan decided he’d join the military that they visited each of the services’ recruiters in 2012 and landed on the Army because it most closely shared their own values.

How, though they missed him when he left for training, later deployed twice to Afghanistan and then to Africa, he would take every spare moment to text, video chat and send surprise gifts to the boys or to her.

And how proud he’d been of his deployments, joining an Operation Detachment Alpha team of Green Beret soldiers during their tour and taking on the engineer job. Then going on the second deployment to Afghanistan in 2015 and leading a local team of explosives engineers ahead of the assault force, keeping people safe, finding IEDs even during firefights.

But the Africa deployment beginning in February 2017 was different.

<https://www.militarytimes.com/news/your-military/2019/05/17/navy-seal-marine-raider-hazing-that-killed-army-green-beret-left-an-irreparable-hole-in-the-lives-of-family-friends/>

Described by all as a man who easily made friends and showed a curiosity and maturity beyond his age, Logan was having problems with his teammates.

“I want to come home now. I hate it here. I don’t want to be here,” was how Michelle described his messages.

He described the SEALs he was working with as “very immature” and “doing immature things.”

She recalled how just hours before Logan died the pair had talked to each other on video so that when he didn’t reply to her text message, which he always did, the next morning that she knew something was wrong.

And then came the knock.

A chaplain and an Army officer stood at the door.

They told her Logan had been sick. He had been found convulsing in bed.

“You’re lying to me,” she told them.

Only hours before they’d talked, he was fine, he wasn’t sick.

And the lies continued.

Weeks and months passed. At a unit memorial she learned that an Army investigation into the death had been handed off to the Navy Criminal Investigative Service.

She had her suspicions, she said. Based on her husband’s messages, she didn’t trust the SEALs he was with.

“Nobody was taking me seriously,” she said. “It was a very isolating place to be. A very lonely place to be.”

After the sickness explanation passed, she was told that he’d died while doing combatives or self-defense training with the SEALs in their residence.

“I just wanted the truth,” she said. “I knew he wasn’t sick. I knew he wasn’t doing combatives at 5 in the morning.”

What had happened, Matthews testified in his special court-martial, was that he’d arrived in Mali for what was to be the first of three site visits. He met up with another SEAL that he knew, both serving on Naval Special Warfare Development Group, also known as SEAL Team 6.

That was then-Petty Officer 1st Class Anthony DeDolph, who is also charged in Logan’s death.

Matthews, DeDolph, Marine Raiders Gunnery Sgt. Mario Madera-Rodriguez and Staff Sgt. Kevin Maxwell hatched a plan to “remediate” Logan after what DeDolph and others described to Matthews as the Green Beret’s failure to work appropriately with the team.

Though Matthews would describe in court second-hand accounts about frustrations with Logan by at least two SEALs, the Raiders and even Logan’s team leader, Green Beret Sgt. 1st Class Jamie Morris, the only incident offered that was provided in detail was when Logan ditched the two Raiders on the way to a social function at the French Embassy.

That perplexed military judge Navy Capt. Michael Luken during the hearing, who asked Matthews how the perceived party snub could be considered a “deficiency” worth remediation, specifically an illegal hazing.

Matthews explained that Bamako was a “semi-permissive environment” in which service members would rarely travel alone. Matthews did say that DeDolph and others mentioned other incidents but he did not testify to details about those.

<https://www.militarytimes.com/news/your-military/2019/05/17/navy-seal-marine-raider-hazing-that-killed-army-green-beret-left-an-irreparable-hole-in-the-lives-of-family-friends/>

After the party snub, the four defendants and others hatched a plan to bust into Logan's room, subdue him, tie him up and video record the incident to humiliate him in order to put him in line with what they said was expected of him when working with the other members of the unit.

But they were not in his chain of command.

So Matthews said he told DeDolph to get permission from Logan's team leader Morris. Matthews testified that DeDolph woke Morris just before 5 a.m. Morris allegedly said yes and then went back to sleep.

Morris has not been charged in Logan's death.

"It was at that point we initiated the plan that ultimately led to the tragic and completely unintended death of Staff Sgt. Logan Melgar," Matthews testified.

The foursome burst into his room, Matthews testified. Logan awoke when the sledgehammer busted down the door, jumped up and said, "Oh, it's you guys."

Then they were on him. DeDolph, a former professional mixed martial arts fighter, wrestled with Melgar and put Melgar in a chokehold. Matthews first grabbed Melgar's ankles as the Raiders began duct taping him. They then restrained his wrists and duct taped them too.



Navy SEAL Chief Petty Officer Adam Matthews pleaded guilty Thursday, May 16 at Naval Station Norfolk to charges connected to the strangulation death of Army Green Beret Staff Sgt. Logan Melgar in Bamako, Mali on June 4, 2017. Another Navy SEAL and two Marine Raiders also face charges. (Todd South/MilitaryTimes)

But Logan had stopped breathing. They ripped off the tape and began attempts to revive him. Blood splattered on them as they tried first CPR, then an emergency tracheotomy.

Unsuccessful, they took him to a nearby medical clinic where he was pronounced dead.

Within minutes they had a plan to hide what had really happened. Matthews said he and DeDolph would "own it" and not mentioned the Marines' involvement.

So, they told investigators the three of them had been practicing self-defense training. They told them that Melgar had been drunk. They told them other things that were not true.

And the investigation, kept from the public for months after Melgar had died, dragged on.

And Michelle had no answers, only suspicions and an emptiness, a loss of the core of her family.

In November 2018, Matthews, DeDolph, Madera-Rodriguez and Maxwell would all be charged with felony murder, involuntary manslaughter, conspiracy, obstruction of justice, hazing and burglary.

The three remaining co-defendants still face those charges. There is not a hearing date set but Maxwell's attorney has said his client is in plea negotiations.

In his closing arguments, lead prosecutor Navy Lt. Cmdr. Benjamin Garcia pointed to those early decisions as examples of how Matthews and others failed to take responsibility and how those choices led to more pain for the family.

"This is a juvenile and illegal hazing where they duct taped and blood choked a man," Garcia said. "They had no excuse for that action."

But one of Matthews' attorneys, retired Rear Adm. Christian Reismeier, argued that the one bad day's worth of decisions on his client's part should not outweigh a 16-year military career spent mostly with the SEALs that involved multiple combat tours and "heroic" actions.

<https://www.militarytimes.com/news/your-military/2019/05/17/navy-seal-marine-raider-hazing-that-killed-army-green-beret-left-an-irreparable-hole-in-the-lives-of-family-friends/>

Matthews served on eight tours following his enlistment in 2003. He received the Bronze Star Medal with Combat “V” device twice, the Purple Heart medal, Defense Meritorious Service Medal, Joint Service Commendation Medal with “V” device and the Joint Service Commendation Medal, among other awards. Childhood friends, a fellow Navy SEAL and his sister all testified to his high character, integrity and the deep remorse he expressed over his decisions and his role in Melgar’s death.

While spending time with a close friend, Arlington County Sheriff’s Office Detective Richard Kelly, the lifetime friend kept asking him about what had happened and what investigators were telling him, trying to pick at what the case was and how he might fight the charges.

But, Kelly said, Matthews cut him off.

“Richard look, at the end of the day, an American died and I’m taking responsibility for it,” Kelly said Matthews told him.

The charges

He pleaded guilty Thursday morning to conspiracy, assault with battery, hazing, house breaking and obstruction of justice. Matthews faces a maximum punishment of 12 months confinement, reduction from E7 to E1, two-thirds pay reduction per month for a year and a bad-conduct discharge.

Reismeier pointed to the myriad health problems that Matthews faced including PTSD, TBI, spinal compression, shrapnel in his leg, hearing loss, a sleep disorder and dislocated shoulder, which would not be covered by the Veterans Administration should he get that discharge.

The attorney also argued toward the end of the hearing that leaks to the media by the government, not specifically the current prosecutors, over the past two years had grossly mischaracterized what happened in Mali.

Sourced information reported by news outlets, to include Military Times, indicated that Logan’s death may have involved his knowledge of a coverup of SEALs and others taking money from cash given to the special operators to use for official government business when working with local military and other groups.

“This false narrative in the press from day one about a murder to cover up a slush fund,” Reismeier said. “All of this stuff, leaks coming from the government for two years ... and for two years he has not been able to say, ‘that’s not what happened.’”

As he finished his argument for the maximum sentence, Garcia told the court that a punishment should signal to the military community that this behavior will not be tolerated. He acknowledged that as special operators both Matthews and Logan were “viscerally aware” of the dangers of their jobs and both agreed to take on those dangers.

“What neither of them agreed to was to accept risk from one of their own,” Garcia said.

After Michelle shared the love and loss of Logan in her and her family’s life, she took what she said some would think was a surprise turn in her statement.

“Adam, thank you for finally coming forward with some of the truth about what led to his death,” she said. “I’m sad you made such reckless choices that led to the end of your career and my husband’s death.”

“I care not how much time you do or do not sit in a prison cell,” she said. “Only that you are never again in a position to hurt other service members and no longer wear the Trident that so many others are honored to wear.”

The judge recommended that Matthews be reduced in rank from E7 to E5, confined for a year and receive a bad conduct discharge. He did not recommend any pay reduction or forfeiture.

<https://www.militarytimes.com/news/your-military/2019/05/17/navy-seal-marine-raider-hazing-that-killed-army-green-beret-left-an-irreparable-hole-in-the-lives-of-family-friends/>

But Luken did make specific recommendations to the Consolidated Disposition Authority, Rear Adm. Charles W. Rock, commander, Navy Region Mid-Atlantic.

He recommended that Rock “suspend or remit” the bad conduct discharge if Matthews adheres to his plea agreement by testifying on behalf of the prosecution in the case and with consulting the Melgar family about the discharge.

Matthews was taken into custody Thursday to begin his confinement. As part of his plea deal he has waived most of his appeal rights and agreed to testify against his codefendants and cooperate in the government’s case.

[Todd South](#) is a Marine veteran of the Iraq War. He has written about crime, courts, government and military issues for multiple publications since 2004. In 2014, he was named a Pulitzer finalist for local reporting on a project he co-wrote about witness problems in gang criminal cases. Todd covers ground combat for Military Times.

Navy to Change Pilot Call Sign Protocol After Minority Aviators Report Bias

By Hope Hodge Seck

Military.com, May 21, 2019



Courtland Savage from early in his training. (Courtesy Courtland Savage)

The head of naval aviation has directed the creation of a new process for approving and reviewing pilots' call signs after two African-American aviators at an [F/A-18 Hornet](#) training squadron in Virginia filed complaints alleging racial bias in the unit, from which they said they were unfairly dismissed.

In a formal endorsement letter signed May 13, Vice Adm. DeWolfe Miller, commander of Naval Air Forces, said he found the two aviators, a [Navy](#) lieutenant and a [Marine Corps](#) captain, were correctly removed from Strike Fighter Squadron (VFA) 106 out of [Naval Air Station Oceana](#) due to "substandard performance," despite errors and inconsistencies discovered in the grading and ranking process.

However, Miller said he did find inappropriate conduct by instructor pilots who did not treat the pilots-in-training "with appropriate dignity and respect," using discriminatory call signs and having inappropriate and unprofessional discussions about them on social media.

He directed the Chief of Naval Air Training to have all training command and fleet replacement squadrons in the Navy formalize a call sign assignment and review process within 90 days, including appropriate peer board representation for minority and female aviators. And he recommended that multiple officers, including a Navy captain, receive rebukes, counseling or administrative punishment for their role in events substantiated by the investigation.

Miller also ordered that VFA-106 receive training on appropriate use of social media and that the unit bring in a "diversity and inclusion expert" to train the squadron on unconscious bias and stereotype threat. Similar training, he wrote, will also be added to the curriculum for prospective commanding and executive officer courses and commander training symposia.

"I intend to invite [the two aviators] to assist in the development of the training curriculum," he wrote. "While it is not the responsibility of these officers to create the solution for the unprofessional and offensive behavior they experienced, it is my hope these officers understand the sincerity of our commitment in addressing unprofessional behavior and will want to join us in this corrective action."

Miller's decision provides some validation for pilots who for years have pushed the Navy for answers on their treatment and allegations of racial bias.

'Pure Bloods' and Call Signs

Military.com first wrote in [April 2018 about the two aviators and their dismissal from VFA-106](#). The Navy pilot, Lt. Courtland Savage, would ultimately leave the service in 2017 and start a new job flying for a civilian airline; the Marine Corps pilot, who asked not to be identified as he remains on active duty, continues to serve as a pilot in a [C-130](#) squadron, having been removed from fighter training in 2016.

While at VFA-106, Savage said he was given the call sign "Radio," a reference to a movie about a mentally challenged black man. Other black students, he said, got call signs including "8 Ball" and "Kazaam," the latter a reference to a character played by Shaquille O'Neal.

<https://www.military.com/daily-news/2019/05/21/navy-change-pilot-call-sign-protocol-after-minority-aviators-report-bias.html>

Other minority pilots in the squadron also gave evidence of race influencing call signs. Another pilot, a lieutenant commander, said he also received the call sign "Radio" at his first squadron in the fleet, but later had it changed to "MC," short for "MC Hammer," in reference to a childhood nickname. A commander said his call sign was "Snoop," in reference to "poor rapping abilities." And a third pilot, a lieutenant, said his call sign was "Ruby Rhod," a reference to a Chris Tucker character from the movie "The Fifth Element." Only one black pilot interviewed had a call sign -- "Mr. Bucket" -- with no racial connotation.

The two pilots also submitted logs from a WhatsApp chat group called "Pure Bloods," in which instructor pilots disparaged them and their performance. In the chat, one of the instructors used the eggplant emoji to refer to the Marine pilot. It was a visual representation of a racial slur, the pilot alleged.

"That dude was so bad. I can't even comprehend how someone does not have the most basic level of self-awareness and realize he's going to kill himself or someone else," an instructor wrote in the chat.

The Marine pilot had also been singled out in the squadron when a significant mishap for which he was responsible -- mistaking an instructor's order and blowing the canopy off an F/A-18 -- was depicted on a class T-shirt with the slogan, "Once you pop, the fun don't stop."

The investigation determined the eggplant had been meant as a phallic symbol, not a racial one. Paired with a cork-popping champagne bottle emoji in the chat, the symbols were intended to reference masturbation, not the Marine pilot and the canopy incident, the probe concluded. However, the discussions were evidence of a broader lack of inclusion and professionalism, Miller decided.

A Marine major who was a member of the group and interviewed by investigators was unapologetic.

"That's the price to pay in this community. You do stupid s--t, you get made fun of. Or you kill self/others," he said, according to the investigation. "His attrition was his small price to pay. Frankly, we did his ass (and the community's) a favor. But his bulls--t makes me professionally embarrassed."

Subjective Evaluations

At the heart of Savage and the Marine pilot's complaints, though, were allegations that they were assessed unfairly compared to their fellow student pilots, and that grade sheets were actually altered after the fact to make their performance appear worse than it was. Both pilots acknowledge they had struggles -- Savage in one case "safed" an ejection seat and forgot to re-arm it for takeoff, thus failing the flight -- but they said their white peers were given more margin and more chances.

The redacted 17-page investigation, dated August 2018, and the five-page endorsement from Miller, both released to Military.com on Monday, conclude the aviators were struggling in training. But they also substantiate instances where incorrect data and methods were used to evaluate them.

The Marine pilot should have been allowed to be present while witnesses were interviewed for his Field Flight Performance Board, an administrative proceeding to determine his fate as a naval aviator. The FFPB also used grade card data that incorrectly indicated that he was below average in the categories of administrative commands and headwork/crew resource management, the investigation concluded.

He was also disadvantaged by subjective rankings and the decision to route his FFPB for endorsement through two non-aviation commands.

Savage was also found to have been put at a disadvantage by a subjective ranking system, and his Field Naval Aviator Evaluation Board, or FNAEB, the Navy equivalent of an FFPB, had the appearance of being tainted though subjective rankings and the offensive symbols and comments revealed in the "Pure Bloods" group chat.

<https://www.military.com/daily-news/2019/05/21/navy-change-pilot-call-sign-protocol-after-minority-aviators-report-bias.html>

Despite this, "the preponderance of the evidence clearly indicates that [Savage] was a struggling aviator who received extra attention from the command in order to help him overcome performance deficiencies," the investigation concluded.

Another Chance?

The investigation recommended that new boards be convened for the two pilots, using only rankings derived from the official aviator reporting system and using standardized grade sheets and endorsement routing.

Miller, however, disapproved these recommendations. For the Marine pilot, he deferred this decision to Lt. Gen. Steven Rudder, the Corps' deputy commandant for aviation, "for action as he deems appropriate."

A Marine Corps spokesman, Capt. Benjamin Harrison, said a decision had not yet been made.

"The EO complaints raised by [the Marine pilot] and LT Courtland Savage were fully investigated by the Navy," Harrison said in a statement. "The Marine Corps will review the investigation and the actions taken during the Field Flight Performance Board (FFPB). It is essential that we ensure all [Marines](#) are afforded equal opportunity to achieve their full potential based solely upon individual merit and ability."

For Savage, Miller noted that he was no longer on active duty with the Navy, and said that "due to [his] sustained substandard performance during the strike fighter syllabus, convening a new board is inadvisable and highly unlikely to result in a different recommendation."

Both Savage and the Marine pilot received briefings from their respective services on the investigation's findings, officials said.

Multiple naval officers face administrative action in the wake of the investigation. The major from the "Pure Bloods" group who disparaged the Marine pilot was recommended for a non-punitive letter of caution, a finding endorsed by Miller. A Navy lieutenant commander and lieutenant from the group were recommended to receive formal counseling "regarding the appropriate use of text messages/emojis in a professional environment."

Miller further recommended administrative action regarding a Marine lieutenant colonel and administrative counseling for a Navy captain, both of whose names are redacted in the investigation.

While the Marine pilot declined to comment on the results of the probe, Savage said in a statement that he was "deeply disappointed in the Navy's handling" of the complaint and reviewing all options for how to move forward.

"While the Command Investigation has been completed, I have not yet been provided a final determination. What should have been a 90-day process has gone on for longer than 500 days and remains ongoing," he said. "Additionally, I have serious concerns about the content of the investigation report and the manner in which the investigation was conducted. I find it troubling that the only conclusions from this review is that call signs need to be changed. There are larger challenges facing minorities and women in Naval Aviation than just being given demeaning and inappropriate call signs."

'Unacceptable' Timeline

Miller also expressed displeasure at the length of time that elapsed between the start of the investigation in January 2018 and its conclusion this month.

"This investigation, covering events which reached back years before the complaints were raised, took over 180 days to complete, and then longer than that to reach final endorsement," he wrote. "Despite the best intentions of all concerned, and the extensive deliberations required to assess the findings and formulate corrective actions this timeline is unacceptable."

<https://www.military.com/daily-news/2019/05/21/navy-change-pilot-call-sign-protocol-after-minority-aviators-report-bias.html>

It's not clear why the investigation languished without endorsement for nearly a year after its completion in August 2018. But after Military.com inquired about the status of the investigation in April, it took roughly a month for the document to be endorsed and released to the pilots. One final delay took place in the final weeks before the conclusion of the process: According to a defense official with knowledge of events, the investigation, previously considered complete, was pulled back for a final review by the office of the Chief of Naval Operations.

"Treating all service members with dignity and respect is something the Navy takes extremely seriously, and if an EO complaint is filed, it is appropriately investigated and, if applicable, appropriate action is taken," Cmdr. Ron Flanders, a spokesman for Naval Air Forces, said in a statement. "As Sailors, we represent the Navy 24/7. Our core values of honor, courage and commitment apply to all aspects of our life, including online conduct. Any form of harassment, bullying, hazing, stalking, discrimination, retaliation, or any other type of misconduct that undermines dignity and respect [is] not consistent with our core values."

Editor's Note: Ruby Rhod was portrayed by Chris Tucker.

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Pardons for war crimes could harm commanders' influence, former military lawyers warn

By Corey Dickstein

Stars and Stripes, May 22, 2019



From left, Michael Behenna, Navy SEAL Edward Gallagher and then-U.S Army Capt. Mathew Golsteyn

AP/ ANDREA GALLAGHER/ THE FAYETTEVILLE OBSERVER

WASHINGTON — Presidential pardons for American servicemembers convicted or accused of war crimes in Iraq and Afghanistan, including the killing of unarmed enemy fighters, could undermine military leadership and might complicate the U.S. relationship with key allies, several military law experts said.

Retired top military officers and former judge advocates joined a growing chorus this week imploring the White House not to issue pardons in high-profile war-crimes cases, including those of at least two special operators who face courts-martial on charges that they killed detained, unarmed combatants. The concerns have swelled since a report Saturday by the New York Times, which cited two unnamed senior U.S. officials, that President Donald Trump was working with the Pentagon and the Justice Department to assemble pardon documents for Navy SEAL Chief Petty Officer Eddie Gallagher and Army Maj. Matthew Golsteyn, among others, who could be pardoned by Memorial Day, which is Monday.

Those potential pardons — and others including Marine scout snipers convicted of crimes related to urinating on dead Taliban fighters in 2011 and a Blackwater security contractor convicted of killing Iraqi civilians in 2007, the Times reported — would follow the recent pardon of former Army 1st Lt. Michael Behenna, who was convicted in 2009 of the “unpremeditated murder” of a prisoner in Iraq a year earlier.

Military law experts polled this week by Stars and Stripes agreed Trump had every constitutional right to pardon the servicemembers, but several of them warned that granting clemency to the people convicted or accused of wrongdoing in war zones risked signaling to American troops that they had the license to kill indiscriminately in combat.

“This would be a terrible decision,” said Eric Carpenter, a former Army prosecutor and defense attorney who teaches law at Florida International University. “He plays into our enemies’ narrative, which is that we don’t care about Muslim lives.”

While several lawmakers said they opposed such pardons, especially before evidence is considered at courts-martial, Trump had the backing of at least some on Capitol Hill, including from Republican Rep. Duncan Hunter, a Marine veteran from California, who is among the people who has long lobbied the president to pardon Gallagher.

Officials from several veterans organizations declined to comment on the reports. In a statement, the Iraq and Afghanistan Veterans of America wrote the organization would not take a side, but warned Memorial Day, meant to honor troops who died in battle, was not the appropriate moment for such pardons.

“This is inherently controversial,” the IAVA statement reads. “Rolling out these decisions over Memorial Day [and] distracting from a time that is meant to be a meaningful moment of reflection is very concerning.”

White House, Pentagon and Justice Department spokespersons declined to comment on the Times report. Acting Defense Secretary Pat Shanahan said Tuesday that he would not “speculate on any of the pardons,” directing questions to the White House.

<https://www.stripes.com/pardons-for-convicted-accused-war-criminals-could-harm-commanders-influence-former-military-lawyers-warn-1.582277>

At the Pentagon this week, some defense officials said privately that there was little support among top officers for Trump's reported pardon proposal. Two senior military officials, who requested anonymity because they were not authorized to speak for the Defense Department, said top officials had discussed the New York Times report, but it was not clear whether those objections had been raised firsthand with Trump.

Pardons can affect order, discipline

Pardoning servicemembers accused of committing war crimes before they face judges could undermine the key military tenets of good order and discipline necessary for the military to function properly, said Rachel VanLandingham, a professor of law at Southwestern Law School in Los Angeles and former Air Force judge advocate.

VanLandingham, who decried Behenna's pardon, worried additional pardons could discourage rank-and-file troops from following the orders of their commanders, who are charged with ensuring troops are well trained on rules of engagement, military ethics and the law of war. She said such pardons risked dissuading servicemembers from adhering to those rules and ethics if they believe they would not face punishment for wrongdoing, such as killing unarmed enemy fighters or civilians.

Trump would be "betraying everyone in uniform who trusts that the rules that 99% of them follow — that when they are violated, folks are going to be held accountable," VanLandingham said. "If someone thinks they are going to be judge, jury and executioner and decides, 'I'm going to kill this guy because he's ISIS,' but [the enemy fighter is] out of the fight and you kill him anyway — that is called disobedience of orders. It's called murder.

"We're no better than ISIS or al-Qaida or any of the terrorist groups we fight if that's how we fight," she said.

Two retired four-star generals were among the people to express concern.

Retired Army Gen. Martin Dempsey, former chairman of the Joint Chiefs of Staff, took to Twitter on Tuesday to condemn pretrial pardons.

"Absent evidence of innocence or injustice the wholesale pardon of US servicemembers accused of war crimes signals our troops and allies that we don't take the Law of Armed Conflict seriously," wrote Dempsey, who retired in 2015. "Bad message. Bad precedent. Abdication of moral responsibility. Risk to us."

Retired Marine Gen. Charles C. Krulak, a former commandant of the Corps who retired in 1999, added that pardoning those individuals would "betray these ideals and undermine decades of precedent in American military justice that has contributed to making our country's fighting forces the envy of the world."

Damage to the US

Carpenter, the former Army lawyer, said he worried pardoning suspected or convicted war criminals could damage the American military's relationship with leaders in Iraq and Afghanistan, where U.S. troops have spent the better part of two decades fighting.

Leaders in those countries have an interest in seeing American troops who commit crimes in their countries held accountable, he said.

As part of agreements with governments to maintain troops in those nations, U.S. servicemembers are exempt from local jurisdiction, but any crimes that they are suspected of committing in those nations are expected to be investigated and, if necessary, prosecuted by the American military. Carpenter said pardons could signal to allies that the U.S. does not take accusations of criminality seriously.

<https://www.stripes.com/pardons-for-convicted-accused-war-criminals-could-harm-commanders-influence-former-military-lawyers-warn-1.582277>

“He makes it harder to build coalitions for future conflicts, because we lose our credibility as leaders in the rule of law,” he said.

If leaders of other nations made such moves, Carpenter said they likely would be labeled war criminals.

“If Trump does what we think he might, he will be taking a bunch of unrelated crimes, grouping them together, and saying — after the fact — that he condones those crimes,” Carpenter said. “He is essentially saying that it is OK for American servicemembers to unlawfully kill people in these combat zones — and these people are predominantly Muslim. I think that if any other world leader did that, we would label that world leader a war criminal.”

The accusations

Gallagher, the Navy SEAL, faces charges of murder raised by other members of his unit, SEAL Team 8, who claim he regularly shot indiscriminately at civilians while they were deployed in northern Iraq as part of Operation Inherent Resolve in 2017. They also accused the 19-year veteran of stabbing to death a young, injured ISIS fighter who had been taken prisoner and then performing his re-enlistment ceremony over the body.

His lawyers have claimed Gallagher is innocent of all of the charges and Hunter has backed his cause, telling reporters he has seen evidence — footage from a helmet-mounted camera — that could clear the SEAL. That evidence has been barred from public view by the judge overseeing his case. Gallagher is scheduled to face a general court-martial set to begin May 28 in San Diego.

Trump previously has shown some level of support for Gallagher, announcing in March that he would move the SEAL — a recipient of the Bronze Star Medal with combat “V” for valor — out of the brig and into “less restrictive” pretrial confinement in “honor of his past service to our country.”

Golsteyn, too, stands accused of murder. The former Green Beret is accused of shooting an unarmed Afghan in 2010 who he believed was a Taliban bombmaker responsible for the deaths of two Marines serving under Golsteyn. Army officials have said Golsteyn admitted to the killing and subsequent burning of the man’s body during a 2011 CIA job interview. His case was referred last week to a general court-martial, which will occur at Fort Bragg, N.C., but has yet to be scheduled.

Like Gallagher’s case, Trump has expressed interest in Golsteyn’s case and labeled the former Green Beret a “U.S. Military hero” in a tweet. Trump vowed he would review that case “at the request of many.”

“He could face the death penalty from our own government after he admitted to killing a Terrorist bomb maker while overseas,” the president tweeted in December.

Lawyers for Gallagher and Golsteyn have stated publicly their clients were innocent of the charges that they face.

Behenna, who was pardoned by Trump on May 6, was convicted in the shooting death of an unarmed, naked Iraqi man suspected of being a member of al-Qaida, the Army said.

In court, Behenna testified he made a unilateral decision to question the prisoner, disobeying an order from his command to transport the prisoner back to his village. He claimed the shooting, in a railroad culvert, was committed in self-defense as the prisoner lunged for him and attempted to take his weapon.

Lawmakers urge restraint

On Capitol Hill, the potential pardons faced condemnation and the urging of Trump to wait until after Gallagher’s and Golsteyn’s cases go to trial.

Military veterans Reps. Ted Lieu, D-Calif., and Dan Crenshaw, R-Texas, both urged Trump in statements to wait to make decisions until evidence had been laid out before judges.

<https://www.stripes.com/pardons-for-convicted-accused-war-criminals-could-harm-commanders-influence-former-military-lawyers-warn-1.582277>

“As a former active duty JAG, I know the main purpose of the [Uniform Code of Military Justice] is to impose good order & discipline, which [President George] Washington called the soul of an army,” Lieu tweeted. “The charges against Gallagher are deadly serious. [Trump] should not circumvent the court-martial process. Let military jurors decide.”

Rep. Ruben Gallego, D-Ariz., an Iraq War veteran who is a member of the House Armed Services Committee, said he would speak loudly against any Trump plans to issue such pardons for war crimes. In a series of tweets, Gallego railed against the move, especially highlighting the Gallagher case.

“True warfighters don’t commit atrocities and kill innocent little girls,” Gallego tweeted Sunday. “These actions only make a warfighter’s job more dangerous.”

Not everyone agreed.

Hunter, on Twitter, thanked Trump for the potential granting of clemency, especially for Gallagher, who Hunter claims is innocent.

“You are showing tremendous courage in standing up for justice for our combat warriors,” Hunter, a former Marine officer who fought in Iraq, tweeted, tagging the president.

A spokesman for Hunter said Tuesday that the congressman’s office had not received official word from the White House whether pardons in these cases were imminent.

But Hunter believes, at least in Gallagher’s case, a pardon “was certainly warranted,” said Michael Harrison, a spokesman for the lawmaker.

Harrison cited issues raised by the SEAL’s defense attorney in the case, including recent court documents reported by The Associated Press that accused prosecutors of sending emails bugged with an internet tracking device to defense lawyers and a journalist who had received leaked documents in the case.

“Congressman Hunter has long expressed his concern that the Gallagher case is just one of many in which military prosecutors are more focused on advancing their careers with a high-profile case at the expense of our warfighters that are serving multiple tours and making great sacrifices to do the job they have been tasked to do,” Harrison wrote in an email. “Congressman Hunter will remain a relentless advocate for our warfighter and work to see that some necessary changes take place.”

Stars and Stripes reporter [Claudia Grisales](#) contributed to this report.

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SEE ALSO:

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[I Commanded Several of the Servicemen Trump May Pardon. Letting Them Off Will Undermine the Military](#) [*TIME*, 2019-05-22]

[White House considers pardons for troops facing war crime accusations](#) [*Military Times*, 2019-05-20]

[Trump May Be Preparing Pardons for Servicemen Accused of War Crimes](#) [*The New York Times*, 2019-05-18]

Racism

Blackface photo investigation in Virginia hits a dead end

By Ben Finley and Alan Suderman

The Associated Press, May 22, 2019



FILE - In this Feb. 2, 2019 file photo, Virginia Gov. Ralph Northam, left, gestures as his wife, Pam, listens during a news conference in the Governors Mansion at the Capitol in Richmond, Va. A law firm has completed its investigation into how a racist photo appeared on a yearbook page for Northam. Eastern Virginia Medical School said in a statement Tuesday, May 21 that the findings of the investigation will be announced at a press conference on Wednesday, May 22. Northam's profile in the 1984 yearbook includes a photo of a man in blackface standing next to someone in Ku Klux Klan clothing. Northam denies being in the photo, which nearly ended his political career in February. (AP Photo/Steve Helber, File)

NORFOLK, Va. (AP) — The mystery of whether Virginia Gov. Ralph Northam was in the racist yearbook photo that nearly destroyed his career remains unsolved.

A monthslong [investigation](#) ordered up by Eastern Virginia Medical School failed to determine whether Northam is in the picture published in 1984 of a man in blackface next to someone in a Ku Klux Klan hood and robe.

Investigators with a law firm hired by the school said Wednesday they couldn't conclusively establish the identities of either person in the 35-year-old photo that was on Northam's yearbook page alongside pictures of him.

They also said they couldn't determine how the photo ended up on Northam's page but found no evidence it was put there by mistake or as a prank.

When the picture came to light in February, the Democrat initially acknowledged he was in it and apologized without saying which costume he was in, then reversed course the next day, saying he was not in the photo. But he acknowledged he once wore blackface decades ago to look like Michael Jackson for a dance contest.

"No individual that we interviewed has told us from personal knowledge that the governor is in the photograph, and no individual with knowledge has come forward to us to report that the governor is in the photograph," the law firm, McGuireWoods, said.

In a statement Wednesday, Northam, a 59-year-old pediatric neurologist who went into politics late in life, repeated that he is not in the photo and apologized again to the people of Virginia, admitting his handling of the episode "deepened pain and confusion."

The findings are unlikely to have a major effect on Virginia politics or Northam, who managed to fend off demands for his resignation and survive the uproar. Many of the Democrats who had called on him to step down have signaled a willingness to work with him.

Northam has also been striving to make amends with black leaders, winning their praise such moves as ending the suspension of driver's licenses for unpaid fines and ordering a review of how schools teach the nation's racial history.

Del. Lamont Bagby, chairman of the Virginia Legislature's black caucus, said the inconclusive report "doesn't change a thing as it relates to the challenges that we have to do," adding: "We've got 400 years of stuff to clean up."

<https://apnews.com/8425c0d377ba42338fa4444584efe092>

[Virginia politics was turned upside down](#) in a matter of hours last winter after a conservative website posted the picture. Black lawmakers and other key Democratic groups and top allies immediately called on the governor to step down.

The picture started a wave of scandals that quickly enveloped Northam's two potential successors, both Democrats. Two women publicly accused Lt. Gov. Justin Fairfax of sexual assault, which he denied. And just days after calling on Northam to resign, Attorney General Mark Herring announced he, too, had worn blackface in the 1980s when he was in college.

Both Fairfax and Herring also rejected calls to resign. And other politicians around the South soon had their own explaining to do over yearbook images taken long ago.

The three interlocking scandals briefly raised the possibility that Virginia's top three Democrats would lose their jobs and the Republican House speaker would become governor.

Investigators said Northam did not believe he was in the photo when he first saw it but did not want to issue an immediate denial in case someone contradicted him.

"The best we can conclude is that he erred on the side of caution initially and immediately regretted not having denied," said attorney Richard Cullen, who led the investigation.

Northam's chief of staff, Clark Mercer, told investigators the governor was "in a state of shock" when the photo surfaced.

The governor was all but invisible when the scandal first broke but has gradually resumed his regular public schedule for the most part. His political opponents still use the incident against him.

GOP House Majority Leader Todd Gilbert panned the investigation, saying the report didn't prove Northam isn't in the picture. He also noted that according to the report, the medical school's leaders knew about the picture before it became public and said nothing.

"It certainly appears that there was an effort to avoid public disclosure of such a racist photograph on the yearbook page of the most prominent alumni in school history," Gilbert said.

—

Suderman reported from Richmond, Virginia.

NYPD officer says he inflated charge against Eric Garner

By Michael R. Sisak

The Associated Press, May 21, 2019



New York City police officer Daniel Pantaleo leaves his house Monday, May 13, 2019, in Staten Island, N.Y. A long-delayed disciplinary trial is set to begin Monday for Pantaleo, accused of using a banned chokehold in the July 2014 death of Eric Garner. (AP Photo/Eduardo Munoz Alvarez)

NEW YORK (AP) — After Eric Garner’s death following a confrontation with New York City police five years ago, one officer involved in the struggle wrote up paperwork that exaggerated the seriousness of the dead man’s suspected crime, that officer testified Tuesday.

Officer Justin Damico said that after riding in an ambulance with the dying Garner, he filled out arrest papers listing a felony tax charge that would have required prosecutors to prove Garner, a small-time street hustler, had sold 10,000 untaxed cigarettes.

Damico was questioned about the posthumous arrest papers while testifying at the disciplinary trial of Officer Daniel Pantaleo, a one-time partner accused of restraining Garner with a banned chokehold as they tried to arrest him for selling loose, untaxed cigarettes on Staten Island in July 2014.

“You initiated this on your own, writing up the arrest of a dead man?” asked Suzanne O’Hare, a lawyer for the police watchdog agency bringing the disciplinary case against Pantaleo.

Damico acknowledged that the felony charge was incorrect because Garner actually had with him five packs of Newports that contained a total of less than 100 cigarettes. The cigarettes were marked for sale in Virginia, a sign they were being resold illegally in New York.

Garner was ultimately posthumously charged with two misdemeanors, which alleged he resisted arrest and sold untaxed cigarettes. The case was not prosecuted because Garner is dead.

Damico’s testimony was often revealing, giving the never-before-heard perspective of the one officer who had been with Pantaleo throughout the confrontation. Pantaleo, 33, denies wrongdoing. He has been on desk duty since Garner’s death.

Speaking for more than an hour in a nearly full hearing room at police headquarters, Damico recounted how he’d given an agitated Garner a warning two weeks earlier, instead of arresting him, for selling loose cigarettes because he felt that approach was “the right thing to do.”

Once Pantaleo grabbed Garner and pulled him to the ground, Damico said he just assumed that Garner was faking unresponsiveness — “playing possum” — to get out of being arrested. An officer who arrived as Garner was being restrained testified that he had the same thought.

Garner’s dying pleas of “I can’t breathe,” captured on a bystander’s cellphone video, became a rallying cry against police brutality targeting black people.

Damico testified he saw Pantaleo’s arm around Garner’s neck as the two men struggled — but he didn’t say if he thought the move was a chokehold.

At one point in his testimony, Damico said he recalled Pantaleo’s arm being around Garner’s “upper body.” That description prompted Garner’s widow, Esaw, to mutter: “Oh, come on.”

Damico, then in charge of combatting graffiti and quality of life issues in a neighborhood near the Staten Island Ferry terminal, said he was paired with Pantaleo to watch for loose cigarette sales when he saw Garner completing such a transaction.

<https://apnews.com/ce589240fb884ecea7eaba2bfdff9e2>

Damico, who hasn't faced disciplinary action, testified that he and Pantaleo didn't rush to arrest Garner because they were "trying to avoid a physical fight." They stayed calm as Garner screamed for around 10 minutes about feeling targeted by police and swatted Damico's hands away while refusing to be arrested, Damico said.

Pat Lynch, the president of the Police Benevolent Association officers' union, said Damico and Pantaleo "utilized textbook de-escalation techniques to limit the use of force against a much larger and irate individual."

"We are convinced that if the politics of the streets are removed from this process and the case is decided on a dispassionate hearing of the facts, that Police Officer Pantaleo will be exonerated," he said.

The NYPD's disciplinary process plays out like a trial in front of an administrative judge.

Normally the purpose is to determine whether an officer violated department rules, but that's only if disciplinary charges are filed within 18 months of an incident.

Because Pantaleo's case languished, the watchdog Civilian Complaint Review Board must show that his actions rose to the level of criminal conduct, even though he faces no criminal charges and is being tried in a department tribunal, not a criminal court.

The final decision on any punishment lies with the police commissioner. Penalties range from the loss of vacation days to firing.

The disciplinary hearing is scheduled to resume June 5.

Pantaleo's lawyers say they will call a medical examiner from St. Louis, Missouri, to rebut the New York medical examiner's finding that a chokehold set into motion "a lethal sequence of events" for Garner.

Garner's mother, Gwen Carr, said she's "tired of the disruptions."

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State: Man in church shooting aimed to kill 10 white people

By Jonathan Mattise

The Associated Press, May 20, 2019



Emanuel Kidega Samson, 27, center, enters the courtroom Monday, May 20, 2019, in Nashville, Tenn. Samson is accused of fatally shooting a woman and wounding seven people at a Nashville church in 2017. Prosecutors have said they're seeking life without parole for Samson. (George Walker IV/The Tennessean via AP, Pool)

NASHVILLE, Tenn. (AP) — A prosecutor said Monday that a black man charged with fatally shooting a woman and wounding seven people at a Nashville church aimed to kill at least 10 white churchgoers and cited a 2015 massacre at a black church in South Carolina.

Nashville Deputy District Attorney Amy Hunter made the comments during opening statements in the trial of Emanuel Kidega Samson, 27. Prosecutors have said they're seeking life without parole for Samson, who faces a 43-count indictment, including a first-degree murder charge, in the September 2017 shooting at Burnette Chapel Church of Christ.

Samson's attorney, Jennifer Lynn Thompson, countered that Samson's true intention was to kill himself. He left a suicide note for his girlfriend and sent a goodbye video to his cousin, according to Thompson.

Members of the church packed the courtroom, at times becoming emotional when attorneys and witnesses recounted a Sunday filled with chaos, tragedy and heroism. The shooting rampage killed 38-year-old Melanie L. Crow of Smyrna, Tennessee. She was shot in the church parking lot, and dropped her Bible and notes from a recently concluded worship ceremony that had just concluded, Hunter said.

Samson, who used to attend the church, is black and the victims are white. Hunter explained that a note in Samson's car cited white supremacist Dylann Roof's [massacre](#) at a black church in Charleston, South Carolina, in 2015. It also referenced the red, black and green Pan-African flag, sometimes called RBG.

"Dylann Roof is less than nothing," the note read, Hunter said. "The blood that 10 of your kind will shed is that of the color upon the RBG flag in terms of vengeance." The note included an expletive and ended with a smiley face, Hunter said.

"This state will prove beyond all reasonable doubt that on Sept. 24, 2017, this defendant, Emanuel Kidega Samson, went to the Burnette Chapel Church of Christ with the intent to murder a minimum of 10 white churchgoers on that day," Hunter said. "You won't have to take the state's word for it though."

An arrest affidavit said Samson waived his rights and told police he arrived armed and fired at the church, described by the prosecutor as a multicultural, multigenerational community where everyone knows everyone.

Hunter also said the calamity revealed a "true life hero."

Churchgoer Robert Caleb Engle has testified that during the rampage, he twice confronted the gunman, who was wearing a tactical vest and a motorcycle-style mask with a clown smile on it. Engle said he was pistol-whipped three times in the head. At one point, he pushed the gun back on the shooter and a shot fired, striking the gunman and sending him to the ground.

Engle said his father kicked the gun away, stood on the shooter's hand and told Engle to go get his gun out of his truck.

<https://apnews.com/f3d7b3eed1f7450bac1bc78caf61d4c6>

Engle came back with his weapon, put his foot on the shooter's back and stood guard until first responders arrived.

A judge's order had kept many details of the case secret until trial.

At a hearing in April, it was revealed that a psychiatrist diagnosed Samson with "schizoaffective disorder bipolar type" and post-traumatic stress disorder after an abusive, violent upbringing.

"What this case is about is a man who was very sad, very suicidal, and he was looking to die that day," Thompson told jurors Monday.

SEE ALSO:

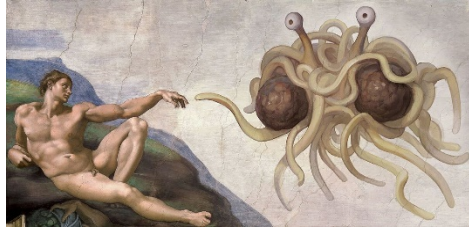
[A list of some US house of worship shootings since 2012](#) [AP, 2018-10-27]

Religion

Army denies soldier's request to grow beard in observance of Flying Spaghetti Monster religion

By J.D. Simkins

Army Times, May 23, 2019



The Creation, featuring Adam being touched by "His Noodly Appendage." (Church of the Flying Spaghetti Monster)

Why are we here? What is our purpose? Why are U.S. service members not allowed to grow beards?

It is questions such as these, which tug at mankind's innermost curiosities, that religions have endeavored to answer since the beginning of time.

For some of those faiths, proper observance necessitates the growth of facial hair.

The Army recognized this in 2017, acquiescing after years of beard-exemption requests and legal pressure from [Sikh soldiers seeking to preserve religious traditions](#) while wearing a U.S. uniform.

The Army's ruling failed, however, to specify exactly which religions qualified for exemptions and which were simply out of luck, thus blurring the boundaries of the facial hair exemption process.

In April 2018, for example, a heathen soldier applied for an exemption under the updated policy and was approved for a beard waiver in [accordance with his faith](#).

"I grant your accommodation, subject to the standards and limitations described below," commander Col. Curtis Shroeder wrote in response to the heathen.

"In observance of your Heathen; Norse Pagan faith, you may wear a beard, in accordance with Army uniform and grooming standards for soldiers with approved religious accommodations."

- [Heathens hold religious services rooted in Norse paganism aboard aircraft carrier](#)

With the approval of the heathen's beard exemption, however, an additional complication arose. While Norse paganism encourages the blossoming of a good crumb catcher, it doesn't require it.

Where, then, is the line in the sand drawn?

That question was at least partially answered this year when Spc. John Hoskins applied for a beard exemption as part of his strict devotion to the Church of the Flying Spaghetti Monster — a faith also known as "Pastafarianism."

"This request is based on my deeply and sincerely held belief in the Pastafarian faith," Hoskins wrote in his request to the Army. "It is my personally held belief that growing a beard will bring me closer to my God and bring me into his favor."

This time the Army declined, but only after the decision on Hoskins' request was elevated all the way to the desk of a deputy chief of staff.

"The Army takes pride in sustaining a culture where all personnel are treated with dignity and respect and not discriminated against based on race, color, religion, gender and national origin," Cathy Brown Vandermaarel, an Army spokeswoman, told Army Times when asked about the decision to deny Hoskins' request.

"While we cannot speak to the specifics of any particular case, religious accommodation can be disapproved if it is determined that the request is not based on a sincerely held religious belief or if the accommodation would create a specific hazard that cannot be reasonably mitigated."



DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-1
300 ARMY PENTAGON
WASHINGTON, DC 20310-0300

DAPE-ZA

JAN 10 2019

MEMORANDUM THRU

Commander, (b) (3) (A)
Commander, (b) (3) (A)
(b) (3) (A)

FOR Specialist John K. Hoskins, (b) (3) (A)
(b) (3) (A)

SUBJECT: Decision Regarding Request for Religious Accommodation – SPC Hoskins

1. I have considered your request for a religious accommodation to permit you to grow a beard in observance of your Pastafarian beliefs, along with the recommendations of your chain of command. I deny your request for an exception to Army personal appearance and grooming standards. A copy of this disapproval memorandum will be placed in your Army Military Human Resource Record (AMHRR).
2. Your request for an accommodation is denied based on a lack of a sincerely held religious belief.
3. This decision is final with no recourse for appeal.

THOMAS C. SEAMANDS
Lieutenant General, GS
Deputy Chief of Staff, G-1

The Army's official response to Spc. Hoskins' request to grow a beard in observance of his belief in the Church of the Flying Spaghetti Monster. (Army)

What was it about the sincerity of a Flying Spaghetti Monster devotee that aroused suspicion among Army policy makers?

Better yet, what, exactly, *is* the Church of the Flying Spaghetti Monster, and what tenets of the pasta-based faith propelled the Army to take a hard stand?

The religion's first origin story — yes, there are two — tells of a drunk, tangled spaghetti monster, complemented by two impressive meatballs, who created the universe during a night of heavy drinking.

As one would expect, pirates became the invisible monster's disciples, worshipping the deity for hundreds of years in secret before the religion's 2005 discovery. To this day, dressing and talking like a pirate are encouraged forms of Pastafarian practice and serve as a reference to mankind's origin, according to the website for the [Church of the Flying Spaghetti Monster](#).

“Religious texts tell us that humans evolved from Pirates,” the website states. “Consider that so-called ‘science experts’ would have us believe humans evolved from primates, pointing towards the 99 percent shared DNA between humans and primates. But humans and Pirates share upwards of 99.9 percent of DNA.”

Profound and not wrong.

The second — and most commonly accepted origin story — is that in 2005, a physics graduate from Oregon named Bobby Henderson sent a letter to the Kansas State Board of Education to address concerns about a proposal to teach “intelligent design” in secondary schools.

Henderson argued in his letter that if intelligent design were to be included in the curriculum, so should every other religion, as to avoid isolating any singular faith.

Such discussions in schools, Henderson claimed, would be supported by as much scientific evidence as a curriculum that included lessons featuring a universe-spawning, invisible spaghetti monster.

When his letter was ignored, Henderson posted the document online, which inevitably went viral and prompted the emergence of a religion now practiced by “millions, if not thousands, of devout worshipers” like Hoskins, [according to the Church's page](#).

But despite legions of noodle worshippers, the Army refused to budge, turning a cold shoulder to a religion guided by “[The 8 I'd Really Rather You Didn't's](#)” instead of the 10 Commandments, one that preaches the world is held in a “loving embrace” of their god's “Noodly Appendage,” one in which followers wear colander strainers on their heads — [even in official government-issued ID cards](#), and one that foretells of a heaven consisting of a beer volcano and a stripper factory.

<https://www.armytimes.com/off-duty/military-culture/2019/05/23/army-denies-soldiers-request-to-grow-beard-in-observance-of-flying-spaghetti-monster-religion/>



An Austrian Pastafarian was permitted to wear a food strainer in a government issued iD. The colander is the traditional headwear of followers of the Church of the Flying Spaghetti Monster. (CotFSM)

The Church itself went as far as to include a letter to the Army in support of Hoskins' faith-based beard waiver packet.

“The Church of the Flying Spaghetti Monster has always affirmed that reasonable measures be taken to allow Pastafarians to practice their beliefs,” the letter stated. “This includes, but is not limited to, the consumption of alcoholic beverages during personal hours, the growing of facial hair, the keeping and care of parrots and other birds of paradise, and the overuse of the word ‘ARRR!’

“Thank you for your cooperation and May You Be Touched by His Noodly Appendage.”

Questions of sincerity and Pastafarian facial hair aside — the faith does not *require* its members to grow a beard — Hoskins said he remains hopeful the Army will continue expanding the number of religions it recognizes.

“The Department of Defense currently recognizes over 185 different sects, branches, and denominations of Christianity,” he said. “I’m asking that they acknowledge one branch of deism.”

Whether that acknowledgement will ever come, as it did for the heathen soldier, is as much a mystery to Hoskins as his own place in the universe, what differentiates between right and wrong, and whether or not there is a supreme being watching over everything.

“I believe we as humans may never know, but it helps me to put a name to things,” he said.

“The name that I — and others like me — have chosen to call the great maybe in the sky is the Flying Spaghetti Monster. He gives me courage when I’m scared, strength when I’m weak, and just makes my life a little bit more bearable. What else could you ask for from a religion?”

J.D. Simkins is a writer and editor for Military Times who was a Marine scout observer from 2004-2008. He ugly cried when the Washington Capitals won the 2018 Stanley Cup.

Sexism

AI Voice Assistants Reinforce Gender Biases, U.N. Report Says

By Mahita Gajanan

TIME, May 22, 2019

Artificial intelligence voice assistants with female voices reinforce existing gender biases, according to a new United Nations' report.

The new report from UNESCO, entitled [“I'd Blush If I Could,”](#) looks at the impact of having female voice assistants, from Amazon's Alexa to Apple's Siri, projected in a way that suggests that women are “subservient and tolerant of poor treatment.” The report takes its title from the response Siri used to give when a human told her, “Hey Siri, you're a b-tch.”

Further, researchers argue that tech companies have failed to take protective measures against abusive or gendered language from users.

“Because the speech of most voice assistants is female, it sends a signal that women are obliging, docile and eager-to-please helpers, available at the touch of a button or with a blunt voice command like ‘hey’ or ‘OK,’” the researchers write.

“The assistant holds no power of agency beyond what the commander asks of it. It honors commands and responds to queries regardless of their tone or hostility.”

Research has long found that AI intelligence has a [problem with gender and racial biases](#). The use of smart speakers is continuing to grow rapidly — the research firm Canalys said last year that about [100 million smart speakers](#) would be sold in 2018.

“Technology always reflects the society in which it is developed,” Saniye Gülser Corat, UNESCO's Director for Gender Equality, tells TIME. “The biases reflect an attitude that almost condones a ‘boys will be boys’ attitude and it magnifies gender stereotypes.”

Corat says the female voices and personalities projected on to AI technology reinforces the impression that women typically hold assistant jobs and that they should be docile and servile. While moving forward in technological developments, she says companies putting out AI machines are moving backward to a *Mad Men*-like era, where women were expected to serve rather than lead.

“Stereotypes do matter because they come back to affect how young girls and young women see themselves and the way they have dreams and aspirations for the future,” she says. “It's almost like going back to the image of women that was held in the 1950 or 1960s.”

The report calls for more women to be involved in the creation of technologies used to train AI machines, citing [research from Science](#) that finds that such machines “must be carefully controlled and instilled with moral codes.”

Researchers also call for tech companies to train AI machines to respond to human commands and questions in gender-neutral ways by establishing gender-sensitive data sets for use in AI applications. The bulk of the data used to train the machines now is sexist, they find.

“Machine learning is ‘bias in, bias out,’” they write. “A voice assistant's educational diet is of vital importance.”

Write to Mahita Gajanan at mahita.gajanan@time.com.

The Debate Over Office Temperatures Just Heated Up, Thanks to a New Study

By Jamie Ducharme
TIME, May 22, 2019



[Getty Images](#)

There are new data to throw into the ongoing debate over office thermostats—but they likely won’t settle any arguments.

The question of how cold to keep an office often splits workplaces by gender, since women typically prefer a warmer workspace than men for reasons both biological and sociological. Men [expend more energy than women at rest](#) and thus tend to run warmer, while women [have higher core temperatures](#), which can make cold air feel

more jarring. Office dress codes may also require men to wear suits or jackets, while women can dress for warmer days with skirts or dresses.

These differences begin to explain the thermostat war waging in offices across the country, but a [2015 paper](#) brought the argument to a fever pitch. It found that most offices set their thermostats using a male-centric “thermal comfort model,” spurring a slew of articles on the sexist nature of office HVAC systems. Last year, while running for governor of New York, Cynthia Nixon and her team [reignited the conversation](#) by calling the frigid temperatures favored by men “notoriously sexist.”

A [new study](#), published in the journal *PLOS One*, only stokes the flames: It says women perform better on cognitive tasks in warmer environments, while men do better when it’s chillier.

“There’s all this evidence that women like higher temperatures, and there’re some articles saying the office temperature is sexist. We were like, ‘Is this a real thing or is it just comfort?’” says study co-author Agne Kajackaite, an ethics and behavioral economics researcher at the Berlin Social Science Center.

The researchers recruited almost 550 German college students to find out. Groups of students completed cognitive tasks—adding double-digit numbers, making words out of a jumbled set of 10 letters and solving word problems—in rooms that ranged in temperature from 16.19 to 32.57 degrees Celsius (about 61 to 90 degrees Fahrenheit).

They found that women performed better on both math and verbal tasks as temperature increased, while the opposite was true for men. The effect wasn’t huge: for each one-degree-Celsius increase in temperature, women answered about 1.75% more math questions correctly and 1% more verbal questions correctly, while men answered about 0.6% fewer correctly in both categories. (Temperature did not seem to affect word problem performance.) But even a difference of that magnitude matters, Kajackaite says, especially since temperature preferences usually vary by more than a single degree.

Of course, the study doesn’t guarantee that every woman will perform better in the heat, or that every man is sharper with the air conditioning blasting. (Kajackaite, for the record, says she prefers the cold.) But the results suggest it’s worth taking the thermostat debate seriously, she says.

“When we start at low temperatures, the gender gap is huge in the math task,” she says. “As the temperature increases, women become better and better and better, and at some point there’s no gender gap.”

Still, more research is needed. The researchers didn’t find an upper limit on how temperature affects female performance, but Kajackaite says that’s likely because the experiment was short, so there wasn’t enough time for participants to get too uncomfortable. She says future experiments should last longer, and recruit participants of different ages and backgrounds.

<http://time.com/5592353/office-temperature-study/>

Even if the results aren't enough to change office policy, Kajackaite says people should pay attention to how they feel most comfortable in a working or learning environment.

“Temperature could affect not just the comfort, but the everyday performance of people,” she says. “If you feel more comfortable in the office with your five sweaters, or without your sweater, it might also affect your performance, so you should take it seriously.”

Write to Jamie Ducharme at jamie.ducharme@time.com.

SEE ALSO:

[Frigid Offices Might Be Killing Women's Productivity](#) [*The Atlantic*, 2019-05-22]

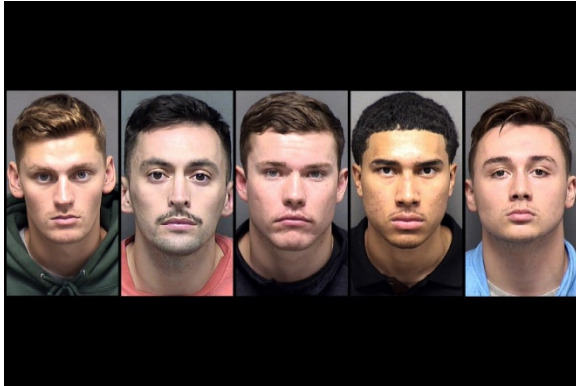
[Western Fashion Is Turning the World's Offices Into Freezers](#) [*The Atlantic*, 2016-10-05]

Sexual Assault / Harassment

Five sailors at Joint Base San Antonio-Lackland charged with sexual assault of woman

By Rose L. Thayer

Stars and Stripes, May 21, 2019



From Left: Dominick Burns, Mauricio Chaparro, Anthony Cooney, Kenneth Johnson and Kyle Tuschmann.

BEXAR COUNTY (TEXAS) SHERIFF'S OFFICE

AUSTIN, Texas — Five sailors were arrested Friday at Joint Base San Antonio-Lackland in Texas on charges that the men sexually assaulted a woman last year, law enforcement officials said.

The sailors arrested are Mauricio Chaparro, 28, Kenneth Johnson, 20, Anthony Cooney, 21, Dominick Burns, 20, and

Kyle Tuschmann, 19, said Adelina Simpson, a spokeswoman for the Bexar County Sheriff's Department. The sailors spent the weekend in a county detention center and arrived Tuesday at a jail in Hays County, where the charges are filed. It is located just north of San Antonio, which is in Bexar County.

A Hays County grand jury indicted the men on April 24, each on four counts of aggravated sexual assault and with a bond of \$500,000, according to indictment records. Burns, Cooney and Tuschmann are accused of performing sexual acts on the same woman and the other two men are listed as “intentionally and knowingly” participating in the crime, according to the records.

Police were called to the scene of the incident at about 10:13 p.m. on May 19, 2018, according to a San Marcos police report. A woman said she'd been sexually assaulted in the back of a truck at San Marcos' Rio Vista Park. The incident report states the woman initially did not want to pursue charges, but returned to a police station the next day and was cooperative.

Hays County District Attorney Wes Mau said Tuesday that he could not comment further on the case.

Bexar County Sheriff's Department took the five men into custody about 2 p.m. Friday at Lackland Air Force Base to transfer the sailors to Hays County, where they were indicted on the charges, Simpson said.

Base personnel escorted the men just outside the gates at Lackland, where local authorities arrested them, said Cmdr. James Stockman, spokesman for the Naval Education and Training Command.

The men all were students at the Navy's Master at Arms Apprenticeship Training at the Naval Technical Training Center in May 2018, located at Lackland, Stockman said. The seven-week training course prepares sailors to enter Navy law enforcement careers such as base security or dog handlers.

They had remained at the center “suspended in training status due to alleged misconduct,” Stockman said.

thayer.rose@stripes.com

Twitter: [@Rose_Lori](https://twitter.com/Rose_Lori)

Male sailors created ‘rape lists’ of female shipmates on Georgia-based submarine

By Mark D. Faram

Navy Times, May 19, 2019



Sailors assigned to the Ohio-class cruise missile submarine USS Florida cast a line during the mooring of the USS Florida as they arrive in Souda Bay, Crete, for a scheduled port visit, March 14, 2019. (Mass Communication Specialist 2nd Class Kelly M. Agee/Navy)

The guided-missile submarine Florida’s “Gold Crew” was already troubled with a bad command climate when Capt. Gregory R. Kercher took the helm on Sept. 25, 2017.

Eleven months later, Kercher was fired for not only failing to fix the nagging work-related issues on board the Kings Bay, Georgia-based submarine, but also for failing to fully investigate multiple “rape lists” — sexually explicit documents that lewdly rated the enlisted women in his crew.

The news was first reported May 17 by Military.com after obtaining an Inspector General’s report through the Freedom of Information Act.

The lists came to light in June 2018, roughly a year after women first started reporting to the boat, the [second submarine](#) to integrate enlisted women into its crews.

Female officers have served on board submarines since 2011. But it wasn’t until 2015 that the Navy first called for enlisted females to volunteer for “silent service” duty. The guided-missile submarine Michigan’s two crews were the first to integrate in fiscal year 2016, followed by the Florida’s crews in 2018.

- [10th sailor disciplined in submarine shower video case](#)

The guided- and ballistic-missile submarines are larger than fast-attack submarines and are staffed by alternating “Blue” and “Gold” crews that take turns manning their boats in six-month shifts.

Navy officials have dealt with multiple sexual harassment problems during the nine-plus years women have served on board submarines, ranging from secret filming of women in showers to the latest revelations of a “rape list.”

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Military.com reported that so far at least two sailors assigned to the Florida have been separated from the military, and an undisclosed number faced administrative punishment in connection to the list, Navy officials said.

Navy Times reached out to the Submarine Force public affairs office on Saturday to confirm details of the incident, but those calls have yet to be returned.

While at Naval Support Facility Diego Garcia on June 3, 2018, a sailor printed the first list and gave it to a female petty officer, Military.com reported.

It ranked the 32 female crewmembers using asterisks next to their names. There were between one and four asterisks next to each name.

Roughly 10 days later, that same sailor printed a second list and gave it to the same female petty officer.

<https://www.navytimes.com/news/your-navy/2019/05/19/male-sailors-created-rape-lists-of-female-shipmates-on-georgia-based-submarine/>

“The sexually explicit list describes various USS Florida females by appearances, characteristics and various sexual acts the creators of the list wish to perform with them,” the investigation states. “The list describes aggressive sexual activity, but does not reference non-consensual acts.”

The sailor providing the lists told the petty officer the lists were on the boat’s computer network and were updated every few weeks. Male sailors were going to vote again soon, the sailor told the petty officer.

The petty officer took photos of the lists before she and a second petty officer took them to a male chief on June 16, 2018, the Military.com report said. The lists quickly made their way up the chain of command to the chief of the boat, who took it straight to Kercher that day.

Kercher, however declined to take swift action, and didn’t initially investigate because “they only had a piece of paper,” Military.com reported, and he “determine where it was generated and who generated” before kicking off any probe.

At that point, Military.com reported that the chief of the boat told investigators that he was out of the loop and wasn’t even allowed to be present when Kercher discussed the list with sailors and was even told by Kercher to “slow down” because he was getting too involved.

Kercher’s preliminary probe, the report said, didn’t locate the lists anywhere on the ship’s networks. Even the Naval Criminal Investigative Service got involved and it, too, was unable to turn up the lists.

Kercher still didn’t act.

It was this inaction over the next few months that further degraded the already poor command climate on board the boat. Rumors ran rampant, according to Military.com.

Some of the women on board felt that the command “had forgotten about the list a long time ago” and had simply swept it under the rug.

That left female members of the crew “full of fear, anger and disgust and even male sailors felt “horrified, appalled, outraged and less trusting,” investigators are quoted as saying.

Things got so bad that some women expressing concern about the lists were told to “suck it up and not add to the drama” by a division-level leader, according to Military.com.

Then the female petty officer who received and reported the lists decided to share the pictures of them with her boyfriend and family, and even a chief petty officer back at the boat’s Kings Bay homeport.

The petty officer sent the pictures because “she did not trust the upper chain of command to do the right thing” and felt her command was trying to “sweep it under the rug,” according to the Military.com report.

Her efforts led to an IG complaint that sparked Kercher’s firing in August 2018 by Rear Adm. Jeff Jablon, then-commander of Submarine Group 10.

“Rumors of a ‘rape list’ were promulgated throughout the crew, significant numbers of females became concerned for their safety, and male members who learned of the list were equally repulsed,” Jablon wrote to his boss just days before firing Kercher, according to Military.com. “Very few [of the crew] knew what limited action was being taken.”

Kercher’s initial attempts to locate the lists on his networks were noted, the investigation said. But his actions fell short of the necessary investigation, as was Kercher’s failure to notify Jablon of the incident, too.

“Although he took some action in response to the list, there is no question that those minimal actions fell far short of expected standards and norms for an event of this magnitude,” Jablon was quoted as writing.

<https://www.navytimes.com/news/your-navy/2019/05/19/male-sailors-created-rape-lists-of-female-shipmates-on-georgia-based-submarine/>

And it wasn't just Kercher taking the fall for the incident and its handling, Cmdr. Sarah Self Kyler, spokeswoman for Naval Submarine Forces, told Military.com.

Two enlisted sailors were "administratively discharged from the Navy," and that "additional administrative actions" happened to others in the command who mishandled the reports of the list.

Military.com stated that the incident caused the top submarine operational commander to conduct a review of the force, where he concluded that what happened on the Florida was "not at all reflective of the overall outstanding performance and behavior of our submariners force-wide."

"While I cannot guarantee that an incident such as this will never happen again, I can guarantee that we will continue to enforce our high standards of conduct and character in the Force," Vice Adm. Chas Richard, commander of U.S. Submarine Forces in Norfolk, told Military.com in a prepared statement.

"I expect every submariner to treat one another with dignity and respect, and will hold our personnel accountable if they fall short of our standard."

The road to the full [gender integration of the Navy's submarines](#) has not been easy for the Navy, but has not deterred the service from pushing forward with a plan that is gradually integrating more submarines.

In 2014, [12 sailors were implicated](#) for taking or viewing videos of female officers and midshipmen undressing and showering over a 10-month period on the ballistic-missile submarine Wyoming.

- [Report: Sailor ring repeatedly filmed undressing women on sub](#)

Navy officials took a deliberate long-term approach when assigning women to submarines, and specifically female enlisted sailors.

In an attempt to learn from the lessons from the very rocky surface force integration that started in the early 1980s, officials commissioned a study by the think-tank [Center for Naval Analyses](#) that concluded proper integration needed to start with 20 percent of the crew being female.

Currently, there are female officers serving on the smaller attack boats. In 2015, the service announced some new Virginia-class fast attack boats will be built from the keel up to accommodate enlisted women in their crews.

The 2015 announcement stated the 23rd Virginia-class submarine — since named the New Jersey — would be the first fast-attack to carry enlisted female crew members. That boat was only just laid down, so it's unsure at this time as to whether women will be assigned as early as the original 2020 target date. The ship is not expected to be delivered to the fleet until 2021.

Designs for the planned new [Columbia-class](#) ballistic-missile submarines are being developed from the start to accommodate gender-integrated crews.

Plans to retrofit the older Los Angeles-class submarines to accommodate women were investigated, but the service found that to be impractical, and instead decided to build that capability into future versions of the Virginia-class boats.

[Mark D. Faram](#) is a senior writer and covers personnel, cultural and historical issues for Navy Times. Faram joined the Navy Times in 1992. From 1996-2000 he was a staff photographer for all the Military Times, before returning to writing in 2001. A nine-year active duty Navy veteran, Faram served from 1978 to 1987 as a Navy Diver and photographer

Sailors Created 'Rape List' Aboard Navy's 2nd Sub to Integrate Women

By Gina Harkins

Military.com, May 17, 2019



The guided missile submarine USS Florida (SSGN 728) pulls into the Bay of Naples, March 4, 2011. (U.S. Navy photo/Daniel Viramontes)

[Navy](#) leaders failed to address sailors' safety concerns after a sexually explicit list targeting female crewmembers surfaced aboard the service's second submarine to integrate women, resulting in the firing of a commanding officer and several other punishments.

A "rape list" was shared by members of the [guided-missile submarine Florida](#)'s Gold crew, where investigators found "lewd and sexist comments and jokes were tolerated, and trust up and down the chain of command was nonexistent." That's according to a 74-page investigation into the misconduct, obtained exclusively by Military.com through a Freedom of Information Act request.

The Florida, homeported in [Kings Bay](#), Georgia, was the second submarine to integrate enlisted women. Capt. Gregory Kercher, who became the Florida Gold crew's commanding officer about a year later, [was fired in August](#) for a loss of confidence in his ability to lead.

At least two sailors assigned to the submarine have been separated from the military, and an undisclosed number faced administrative punishment in connection to the list, Navy officials said.

On June 16, 2018, Kercher's senior enlisted adviser alerted him about two lists discovered aboard the sub. One ranked the female crewmembers using a star system. A second, which included sexually explicit comments next to each name, corresponded to those rankings, according to the investigation.

"Rumors of a 'rape list' were promulgated throughout the crew, significant numbers of females became concerned for their safety, and male members who learned of the list were equally repulsed," Rear Adm. Jeff Jablon, then-commander of Submarine Group 10, wrote to his superior days before Kercher's relief. "Very few knew what limited action was being taken by the [command]."

Kercher directed a search of the sub's network to locate the list and identify those accessing it, the investigation states, but stopped short of opening a formal investigation and failed to notify his command.

"Although he took some action in response to the list, there is no question that those minimal actions fell far short of expected standards and norms for an event of this magnitude," Jablon wrote. Reached for comment, Kercher did not provide a statement about the investigation or his relief to Military.com by press time.

The investigation raises troubling questions about the submarine community's ability to treat female colleagues with respect nearly a decade after the Navy lifted its ban on women serving aboard the vessels. The sexually explicit list follows a 2014 scandal involving female officers and midshipmen on another submarine over a 10-month period [being recorded while they undressed](#).

After a thorough review of the force, the top admiral overseeing all submarine personnel insists he's confident the situation aboard the Florida was an isolated event, and "not at all reflective of the overall outstanding performance and behavior of our submariners force-wide."

<https://www.military.com/daily-news/2019/05/17/sailors-created-rape-list-aboard-navys-2nd-sub-integrate-women.html>

"While I cannot guarantee that an incident such as this will never happen again, I can guarantee that we will continue to enforce our high standards of conduct and character in the Force," Vice Adm. Chas Richard, commander of U.S. Submarine Forces, said in a statement provided to Military.com. "I expect every submariner to treat one another with dignity and respect, and will hold our personnel accountable if they fall short of our standard."

'Fear, Anger and Disgust'

Ohio-class subs have two crews: a gold and a blue, which alternate manning the boats. The first female enlisted sailor reported to the Florida in 2016.

There were 32 women on the Florida's Gold 173-person crew, including five officers, two chief petty officers and 25 sailors at the rank of E-6 and below.

On June 3, 2018, a sailor aboard the Florida printed the first list with the names of every female Gold crewmember when the sub was at [Naval Support Facility Diego Garcia](#) in the Indian Ocean. The sailor gave the list to a female petty officer the following day. It included between one and four asterisks next to every woman's name.

About 10 days later, that same sailor printed the second list and again gave it to the same female petty officer. The sailor told her the lists were housed on the submarine's computer network, where they were updated every few weeks. Male crewmembers were going to vote again on them soon, the sailor told the petty officer.

"The sexually explicit list describes various USS Florida females by appearances, characteristics and various sexual acts the creators of the list wish to perform with them," the investigation states. "The list describes aggressive sexual activity, but does not reference non-consensual acts."

The petty officer took photos of the lists before she and a second petty officer took them to a male chief on June 16. That chief took the lists to the sexual-assault prevention and response point person, who referred them to the command's equal opportunity manager. Kercher's senior enlisted adviser was also notified about the lists.

The adviser, the chief of the boat, "took it straight to the CO," according to the investigation. But Kercher declined to open an investigation because "they only had a piece of paper," the report states.

"CO believed he needed to determine where it was generated and who generated the list before assigning an investigating officer," investigators wrote.

At that point, the chief of the boat told investigators he was cut out of further talks about the lists. He was not present when Kercher discussed the list with sailors and suspects, he told investigators. At one point, Kercher told him to "slow down" because he was getting too involved, the investigation states.

A search of the submarine's network failed to locate the lists on the drives. Kercher even Googled ways to search a network so he could find the lists himself, the report states.

The Naval Criminal Investigative Service got involved but, after a "thorough forensic search of the submarine's computer networks and drives," they too were unable to locate the lists, said Cmdr. Sarah Self-Kyler, a spokeswoman for U.S. Submarine Forces.

As time passed, rumors ran rampant aboard the sub, but Kercher did not communicate what he was doing to find those responsible.

"Junior sailors do not feel safe knowing that the command has done 'nothing' to try to actively find out who has written or added to the list," the report states. At least one woman told investigators she thought the command 'had forgotten about the list a long time ago.'"

<https://www.military.com/daily-news/2019/05/17/sailors-created-rape-list-aboard-navys-2nd-sub-integrate-women.html>

When asked about the lists, the report says female crewmembers were full of fear, anger and disgust. Men described feeling horrified, appalled, outraged and less trusting, investigators wrote.

One woman told investigators the lists made "her question all males on the boat," despite wanting to trust her shipmates.

The female petty officer who was first given a copy of the lists began sending pictures of them to her boyfriend and family back home, the report states. She also sent a copy to a senior chief back at the Florida's homeport.

"[She] sent pictures off hull because she did not trust the upper chain of command to do the right thing and strongly believed that they were trying to 'sweep it under the rug,'" the report states.

'Breach of Trust and Confidence'

It was for that inaction over almost two months -- along with failing to address other command climate concerns -- that Kercher was removed from his post as Florida Gold's commanding officer.

"Only after being formally approached by a female petty officer ... several weeks after the discovery of the list, did Capt. Kercher recognize that additional actions were warranted," Jablon, Kercher's former group commander, wrote in his letter recommending the relief.

Commanding officers are held to high standards of responsibility, reliability and leadership, Self-Kyler said, adding that the Navy holds them accountable if they fall short.

Aside from Kercher, the investigation found two enlisted sailors had displayed inappropriate conduct, she said.

"These sailors were administratively discharged from the Navy," Self-Kyler said. "Additional administrative actions were taken against other members of the command for their mishandling of the report."

At one point, some of the women concerned about the lists were told to "suck it up and not add to the drama," according to the investigation. That person turned out to be a divisional-level leader, Self-Kyler said.

"[They later] received appropriate administrative action," she said.

The investigation also found the command's equal opportunity reporting process to be ineffective. Personnel responsible for those programs were also held accountable, Self-Kyler said.

Ultimately, any sailor who falls short of treating their shipmates with the utmost dignity and respect, regardless of gender, will pay the price, said Richard, the vice admiral in charge of Submarine Forces.

"Once notified, our Force leadership responded quickly, investigated, and held those responsible fully accountable for their actions," he said.

The investigation into the "rape list" and other concerns about the command's workload and morale took place while the Florida was stopped at Diego Garcia and underway in the Indian Ocean.

A Troubled Command

The lists weren't the only problem aboard the Florida. In August 2017, about a month before Kercher took command, an anonymous inspector general complaint was filed about long working hours, lack of sleep and crew stress. The crew was working six-day weeks, and one person told investigators "sailors would rather pay to stay in hotels to avoid tasking on their evening time."

"If you were spotted on board by anyone senior on Sunday, you would be tasked with additional work," the investigators wrote.

<https://www.military.com/daily-news/2019/05/17/sailors-created-rape-list-aboard-navys-2nd-sub-integrate-women.html>

It was about a year later when the inspector general was hit with a second complaint about the lists referencing female crewmembers.

All incoming commanding officers have 90 days to complete a command climate assessment, Self-Kyler said. Throughout their tenure, they must do follow-up assessments every nine to 12 months.

"Commanders must conduct a face-to-face debrief of their command climate assessment executive summary, to include a plan of action, with their immediate supervisor within 30 days of receiving the results," she said.

Seven months into Kercher's time with Florida's Gold crew revealed the same command climate problems as when he began, the investigation states. Jablon said that not only led to subpar operational performance, but likely the lists targeting women too.

After the turnover in leadership, the Navy provided "external assistance to the command to address the culture on board," said Capt. Chris Nash, commodore of Submarine Squadron 16, who was Kercher's immediate supervisor in command. That led to an audit of the command's sexual-assault prevention and response plan and equal opportunity programs, he said.

Officials also updated the liberty policy, increased morale activities, are giving sailors more time with their families, and improved the command's mentorship programs, Nash said.

The crew's most recent command climate survey was completed in February, and it showed improvements, he added. A follow-on Submarine Culture Workshop will be held in June 2019, and the command will continue to monitor command climate.

The Florida Gold crew recently returned from a [deployment](#), during which it supported two combatant commands over a four-month period.

"I am proud of this crew and the progress that they made in the months following this event," Nash said.

-- Gina Harkins can be reached at gina.harkins@military.com. Follow her on Twitter [@ginaaharkins](#).

Editor's Note: The year women joined the guided-missile submarine Florida's crew was 2016.

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Senate defense bill would make military sexual harassment standalone crime

By Ellen Mitchell

The Hill, May 23, 2019



© Getty Images

A key Senate panel is looking to move the needle on curtailing sexual assault in the military.

The Senate Armed Services Committee's fiscal 2020 National Defense Authorization Act (NDAA), released Thursday, includes numerous reforms to policies surrounding military sexual assault and harassment, including making sexual harassment a stand-alone

offense in the military's criminal justice system.

A senior committee aide told reporters the bill asks the Pentagon to launch several studies, including taking "a harder look at alternative systems for preventing sexual assault, what have we done that can work and what can we do going forward."

"We are tackling the issue from every angle we can," the aide added.

The bill includes provisions to help prevent and deal with sexual assault, including new training requirements and rules regarding victim support.

The bill would also mandate the development of a plan to create a Department of Defense-wide data management system to better share and track information on criminal cases.

The number of cases of unwanted sexual contact — a term that covers groping to rape — jumped to 20,500 in 2018 from 14,900 in 2016, according to a Pentagon report released earlier this month.

Sen. [Martha McSally](#) (R-Ariz.) — who disclosed earlier this year that she was [raped by a superior officer](#) while she served in the Air Force — earlier this month introduced legislation to address how the military handles sexual assault claims, including making sexual harassment a stand-alone offense under the military law. That legislation has made it into the NDAA, according to a statement from McSally's office.

"These reforms represent the voices of many who do not have the opportunity to change the system," she said.

McSally in the past has stressed the military should keep the power to prosecute cases within the chain of command, with commanders deciding whether assault cases should go forward.

The aide told reporters that there is no move to take the decisionmaking authority away from the military, though there will be several other initiatives to influence the chain of command "in terms creating an environment where sexual harassment and sexual assault will not be tolerated."

Other language offered by Sen. [Joni Ernst](#) (R-Iowa), however, asks the Defense Department to study what would happen if the Pentagon were to remove commanders from considering sexual assault cases.

Serial cyberstalker could avoid prison again under plea deal

By Michael Kunzelman, Maryclaire Dale and Colleen Slevin

The Associated Press, May 22, 2019



In this Feb. 28, 2019, photo, Christopher W. Cleary, 27, makes a court appearance in Provo, Utah. Cleary's arrest for posting a Facebook threat to kill "as many girls as I see" fit a pattern of behavior for a troubled man with a history of terrorizing women he met over the internet. Cleary's plea deal with Utah prosecutors fits a pattern of lenient punishments common for cyberstalking and online harassment cases. A judge who is scheduled to sentence Cleary on Thursday, May 23, must decide whether to accept prosecutors' recommended sentence of probation. (AP Photo/Rick Bowmer, Pool)

DENVER (AP) — Only hours before women marched through many U.S. cities in January, Christopher Cleary set off a manhunt when he posted a Facebook message threatening to kill “as many girls as I see” in retaliation for years of romantic rejection.

Cleary, 27, called himself a virgin who never had a girlfriend, stoking fears of another deadly rampage by a man blaming women for his problems. When police tracked his cellphone and arrested the Colorado resident at a McDonald’s restaurant in Provo, Utah, Cleary said he had been upset and wasn’t thinking clearly.

The frightening Facebook post fit a pattern of behavior for a troubled man with a history of terrorizing women he met over the internet.

His plea deal with Utah prosecutors appears to fit a pattern of lenient punishments — a common outcome for cyberstalking and online harassment cases.

“The vast majority of people, if there isn’t a lot of training and education going on, tend to dismiss these things,” said Carol Tracy, executive director of the Women’s Law Project in Philadelphia. “That’s why stalking is so dangerous. You think, ‘It’s not a crime. He’s got free speech.’”

Cleary pleaded guilty in April to a reduced charge of attempted threat of terrorism, a felony punishable by up to five years in prison. But prosecutors agreed to recommend probation, sparing him any additional jail time in Utah beyond the months he’s served since his Jan. 19 arrest.

If a judge accepts the recommended sentence during a hearing Thursday in Provo, it won’t be the first time Cleary avoids a prison term. Judges in Colorado gave him similar breaks after a string of women and teenagers accused him of making threats and harassing them.

The prosecutor on the Utah case said the plea bargain is designed to secure a felony conviction that could help Colorado authorities get a prison sentence for Cleary’s probation violations.

Agreeing to recommend probation was the key to securing his guilty plea, Deputy Utah County Attorney Douglas Finch said.

Finch said Utah’s criminal statutes leave a “huge gap” between a misdemeanor charge of threatening violence and a felony charge of making a threat of terrorism. He said his office views Cleary as an “unbelievably dangerous individual” but wasn’t certain it could prove the “stupid, horrible” message he posted on his Facebook account rose to the level of a terrorism threat.

“I did my review of the case with some concern over the statutes,” Finch said. “The problem is that I feel (Cleary) falls right in the middle of those two areas, but most likely he falls in the lowest level.”

He noted the Utah judge is still free to sentence Cleary to prison.

<https://apnews.com/58832db06ec0453b8fed80511d47c2c4>

At least eight people since 2012 have contacted authorities to accuse Cleary of stalking or harassing them, according to an Associated Press review of police and court records. Police in Colorado also investigated complaints that Cleary threatened to bomb a grocery store in 2013 after an employee refused to cash his check, threatened to slit the throat of a Denver city employee after his car was towed, and threatened a mass shooting at a mental health facility during a phone call in 2016.

Cleary was on probation for a marijuana conviction when, in 2016, he was charged with stalking two 18-year-old women he met online. He was on probation and in mental health court for the stalking cases when he was charged in 2017 with stalking and harassing a third woman who was Cleary's caseworker. Last year, judges in Jefferson County, Colorado, sentenced him to probation in all three stalking cases.

Cleary, a Denver resident, was still on probation in Jefferson County when he was arrested in Utah. Pam Russell, a spokeswoman for the county prosecutor's office, said once the Utah case has concluded, Cleary will be returned to Colorado and prosecutors will seek to revoke his probation and send Cleary to prison.

Cleary also has a warrant for his arrest in Denver, where a 17-year-old told police in 2015 that he sent her a string of threatening text messages, including "I own multipul guns I can have u dead in a second."

A public defender representing Cleary in Utah declined to comment. Cleary told the officer who arrested him in Provo that he has "some kind of impulse disorder" and had been taking medication but couldn't remember what type, according to records. Earlier, a Colorado defense attorney said in court that Cleary had been diagnosed with major depressive disorder.

The timing of Cleary's Utah arrest — on the second anniversary of the Women's March on Washington — and the language of his Facebook threat led to speculation on the internet and in some news reports that he could be an "incel," short for "involuntary celibate." The incel movement, an online subculture linked to deadly attacks in California, Toronto and Florida, promotes the misogynistic idea that men are entitled to have sex with women.

"All I wanted was to be loved," Cleary wrote in his post, "yet no one cares about me I'm 27 years old and I've never had a girlfriend before and I'm still a virgin, this is why I'm planning on shooting up a public place soon and being the next mass shooter cause I'm ready to die and all the girls the turned me down is going to make it right by killing as many girls as I see."

A Colorado police detective who investigated two women's stalking accusations said he didn't find any evidence Cleary identified as an incel or had other ideological motives. "I truly think he's just wired differently," Arvada Police Detective Michael Roemer said. And two of Cleary's accusers have said they had a sexual relationship with him.

Experts said Cleary appears to be emblematic of how police and courts typically handle cyberstalking and online harassment cases.

University of Maryland law professor Danielle Citron, author of the book "Hate Crimes in Cyberspace," said state criminal statutes outlawing such behavior typically are misdemeanors with light punishments that don't deter offenders. The criminal justice system tends to view online abuse as "no big deal," she said, and perpetrators get empathy while "we forget and erase the victims."

Bennet Kelley, a Santa Monica, California, lawyer who represents victims of online abuse, said police turned away one of his clients, a revenge porn victim, even though California has one of the nation's strongest laws against revenge porn. "I've actually had judges tell me they don't do internet stuff," he said. "One of them transferred the case rather than deal with it."

The sentencing in Cleary's Jefferson County, Colorado, case came in April 2018. He got three years' probation for stalking three women.

<https://apnews.com/58832db06ec0453b8fed80511d47c2c4>

One victim, Hannah Keller, saw his mugshot on television after his Utah arrest. She said he harassed her with phone calls, text messages and Facebook posts on and off for roughly two years before she finally contacted police in 2015. “He didn’t ever explain a disregard for women when I was with him,” she said. “I just thought he was messed up in general.”

A second victim, Cleary’s former caseworker, told police in 2017 that she had a sexual relationship with him but tried to end it. She said Cleary made repeated death threats and created fake Craigslist ads soliciting sex and rape, using her phone number and an address within a block of her home.

During a hearing last year, Jefferson County Judge Dennis Hall said he and a second judge struggled to fashion appropriate sentences for Cleary’s convictions. Hall said they ultimately decided a prison sentence “would just make it all worse,” according to a transcript.

“I’m obviously concerned about the victim here ... but my concern is that I think to make the community a better place, you need to be treated here,” Hall told Cleary. “It won’t do the community any good if I put you in prison and make you worse.”

Prosecutors had urged Hall to sentence Cleary to Community Corrections, a residential supervision and treatment program that’s an alternative to prison or probation.

Cleary told Hall he was “100% committed” to getting help. He said he was seeing a therapist and psychiatrist.

When the second judge asked Cleary how he planned to handle frustrating situations, Cleary insisted he was getting better at controlling his anger. “Before when I got angry, I used to flip out and things would just be the end of the world,” he said, according to a transcript.

That judge, Jeffrey Pilkington, warned Cleary a prison sentence may be “the only option” if his probation was revoked again.

Victoria Lathrop is one of Cleary’s earlier victims. She said he seemed like a nice guy when they met online in 2015. They communicated for a few weeks by texts and Facetime. But after she turned down his sexual advances, Cleary created a Facebook page using her name and a topless photo he apparently captured while she changed clothes during a video chat. She said Cleary sent Facebook friend requests to her friends from the fake account.

Lathrop’s ordeal didn’t end when a judge sentenced Cleary to probation for harassing her in 2015. She kept hearing from him for years, from different numbers or online identities. Then, last year, he sent her the naked Facebook profile.

Lathrop called police again, but she says they told her there was no way to be sure it was him.

She wonders if authorities should have taken her case more seriously.

“If he’s so persistent stalking women and doing this stuff, I don’t think that violence is past him,” she told AP.

Kunzelman reported from College Park, Maryland, Dale from Philadelphia, and Slevin from Denver.