

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.

Pentagon will hold off on transgender troops ban despite Supreme Court ruling [Corey Dickstein, *Stars and Stripes*, 23 January 2019]

- The Pentagon will not immediately implement President Donald Trump's ban on transgender men and women serving in the military, the Defense Department said Wednesday, one day after the [Supreme Court](#) removed some legal roadblocks that have stalled the controversial policy.
- The Supreme Court's 5-4 decision on Tuesday removed preliminary injunctions that for more than a year halted the Pentagon from implementing the so-called "Mattis Plan," a policy penned by former Defense Secretary Jim Mattis at Trump's direction that would ban most transgender men and women from enlisting in the military. However, one such preliminary [injunction](#) issued by a federal judge overseeing a discrimination lawsuit in Maryland remained in place as of Wednesday, said Air Force Lt. Col. Carla Gleason, a Pentagon spokeswoman.
- Mattis' plan was issued in March 2018 and claimed open service by transgender men and women could undermine the military's combat readiness. It sought to exclude transgender individuals who had undergone a sex transition or were seeking to transition from their biological gender from joining the military. However, it granted exceptions for active-duty servicemembers who had already identified themselves as [transgender](#). Officials said there were about 900 such servicemembers in the military now.

[Pentagon will hold off on transgender troops ban despite Supreme Court ruling](#)

Should women be required to register for the draft? Commission likely to recommend big changes [Gregory Korte, *USA TODAY*, 23 January 2019]

- Three years ago, Congress created a commission to help it answer a pair of questions: Is the Selective Service System, which requires 18-year-old men to register for a potential military draft, working? If so, should it be [expanded](#) to include women?
- The National Commission on Military, National, and Public Service will deliver an [interim report](#) Wednesday that hints at the breadth of its charge but gives few clues as to how it's going to resolve the most controversial issues.
- The military said it's committed to an all-volunteer force and doesn't have plans to implement a draft. But expanding the draft to [include women](#) would help by doubling the number of recruiting leads, officials argued, and foster a sense of gender inclusion in the national defense.

[Should women be required to register for the draft? Commission likely to recommend big changes](#)

'Up or out' is on its way out, and it's time for 'perform or out,' Army secretary says [Meghann Myers, *Army Times*, 24 January 2019]

- [Army Secretary Mark Esper](#) is looking to make [talent management](#) his top priority in 2019, he told *Army Times* on Thursday.
- As Army readiness continues on a steady uptick, and the infrastructure for a modernization push is in place with Army Futures Command, the service's top civilian is devoting more attention to a task force stood up specifically to help the Army through an overhaul of its [promotions](#), assignments, and other processes that affect soldiers' careers.
- Over the past several years, the Army has been making overtures about the importance of talent management, of getting the best qualified and highest performing soldiers into the positions that best fit their skills and knowledge, rather than simply moving personnel around to fill openings based on who's up for new orders first.

['Up or out' is on its way out, and it's time for 'perform or out,' Army secretary says](#)

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Culture

The Art of War: How combat artists are capturing the soul of the Marine Corps

By Andrea Scott

Marine Corps Times, January 10, 2019



Capt. C.J. Baumann, right, holds his sketchbook while in Djibouti, Africa, on a Marine tour funded by the National Museum of the Marine Corps combat artists program. (C.J. Baumann)

It was a hot day in the African desert with the 26th Marine Expeditionary Unit, on a deployment to Djibouti, Africa.

A Fox Company Marine lieutenant with 2nd Battalion, 6th Marines, stood facing thirty-some Marines as he briefed them before that

day's [live-fire exercise](#).

Marine [Capt. C.J. Baumann](#) stood behind them.

But Baumann's weapon of the day wasn't a firearm. It was his pencil and sketchbook.

The piece he eventually created from that scene — an approximately 18-by-66-inch, three-piece pencil drawing, which took him about 50 hours to complete — now hangs in Heywood Hall at the Marine Corps base in Quantico, Virginia.

The logistics officer, who recently started as a warfighting instructor at The Basic School, hopes that it will inspire every Marine who walks by.

“It dawned on me that when I captured that, not only were his Marines going to be able to relate to that, but every single lieutenant who walks through the halls” will as well.

These briefs — which may seem tedious for Marines in school — never go away, and “I think I was able to capture and connect in their mind the reality that what we do here actually matters.”

Art can do that, Baumann says.

He is one of only a few active-duty combat artists with the combat artist secondary military occupational specialty and part of the “combat artists program” at and funded by the National Museum of the Marine Corps in Virginia.

Through the program, which dates back to 1942, Marines, reservists and civilians “document Marine Corps life on the battlefield,” and at home and in training.

The MOS is secondary, which means residents can take about two weeks at a time — away from the regular duties of their primary MOS — to embed with units as an artist and capture their experience and ultimately the essence of the Marine Corps.

In the past few years, artists with the combat artist program at the museum have gone from Djibouti, Africa, to Twentynine Palms, California, to capture part of the monthlong combined arms ITX exercise there. More recently, they joined the Trident Juncture exercise in Norway.

‘GO TO WAR, DO ART’

“Go to war, do art,” program founder Brig. Gen. Robert Denig, also the Corps' first director of public information, said in 1942.

<https://www.marinecorpstimes.com/news/your-marine-corps/2019/01/24/the-art-of-war-how-combat-artists-are-capturing-the-soul-of-the-marine-corps/>

It is now the battle cry of the Marine combat artists.

The museum opened a combat artists art studio in 2017 — the same year the combat art gallery opened at the museum. Every second Saturday there is an event open to the public, sometimes with lectures, sometimes live models.

For the 100th anniversary of women in the Marine Corps in 2018, the program hosted a model dressed in old World War II attire for artists to draw.

Historically, every military branch has combat artists of some kind.

But the names of the greats who have been involved with shaping the Marine museum program in some way are hallowed to young Marine artists like Baumann.



A Marine sergeant and two lance corporals near the town of Storås, Norway, during part of exercise Trident Juncture 18. (Richard Johnson)

Kristopher Battles is a contemporary fine artist and former enlisted marine who re-enlisted to join the combat arts program. Retired Chief Warrant Officer Marine Mike Fay, who first served as an infantryman and later a combat artist, was known for his art from Iraq and Afghanistan.

Col. Craig Streeter, the current commanding officer at the Virginia Military Institute, has served as a Marine combat artist. Freelance illustrator Victor Juhasz has had his work published by large outlets like The New York Times.

Baumann’s deployment partner, Richard Johnson, is currently a civilian field illustrator in the program. His illustrations from the invasion in Iraq and war in Afghanistan are featured in the

Smithsonian.

On display in the combat art exhibit until April 2019 is “A World at War,” and a look inside everyday activities of Marines during World War 1.

The exhibit officially opened June 6, 2018 — the 100th anniversary of the Battle of Belleau Wood in France — and with 92 pieces from 42 artists documents everything from the “grisly battlefields” to the “combat debut” of Marine aviation to “Navy battles against German U-boats.”

The museum says that this artwork from the homefront includes “posters intended to energize Americans to donate books, plant gardens, nurse the sick and wounded, and give their overall support to the war effort on a scale not seen before.”

Art had a way then of moving the hearts and of viewers and even move them to action.

And it is still just as impactful today.

“The Marine Corps is proud of its history and has a proud record of what it does,” Baumann said. “But a sketch can incorporate emotion and perspective.”

<https://www.marinecorpstimes.com/news/your-marine-corps/2019/01/24/the-art-of-war-how-combat-artists-are-capturing-the-soul-of-the-marine-corps/>



Marines with the 26th MEU in Djibouti, Africa, sit atop a hill on overwatch. (C.J. Baumann)

CAPTURING EMOTION

One of the more powerful moments in [Sgt. Elize McKelvey](#)'s career was on a deployment in 2015 with the 15th MEU.

On a stop in Oahu, Hawaii, a Corps Osprey went down, and two Marines were killed.

McKelvey was right there — with her sketchbook and camera,

which she carries with her.

After the accident, McKelvey was able to give the Marines' families some of the photos of their last moments.

Since she had been attached to the same unit for six months prior the deployment, she had a whole archive of photos in addition to photos of the incident.

But she also painted the families portraits of their Marines, as well as a rough sketch of the Osprey crash, which she felt were more powerful and well received.

“The camera didn't capture all the emotions that the drawing and paintings were able to capture,” she said.



This rough sketch was drawn by Sgt. Elize McKelvey after a Marine Osprey with the 15th MEU went down in Hawaii in 2015. (Sgt. Elize McKelvey/Marine Corps)

It was at age 11 or 12 that McKelvey decided she wanted to be an artist. But it was in a 2010 undergraduate art history course at the Art Institute of Boston, where she was getting a bachelor's degree in illustration, that McKelvey's professor for “ten minutes brought up combat art.”

McKelvey was hooked. She had no idea there was art in the military, she said. Though she had a drive to join the military, she had never thought she would be able to do both. So she reached out to some of the combat artists her teacher mentioned — many of the same that Baumann knew.

They told her, “Make sure you're joining for the fact you want to be a Marine, not because you want to do art in the Marine Corps.”

And she did. McKelvey decided to go the enlisted route because she thought, “If I was going to share the Marine Corps story, I really wanted to see it from the ground up — from that private level all the way up.”

The skill that it takes to be a member of the combat arts program is very technical, she says.

“You have to be able to traditionally paint, and have understanding of anatomy, and be able to draw from life and movement,” she said.

McKelvey learned a love of art from her artistic mother and grandfather, who was an artist for the Department of Defense during the Korean War. And though McKelvey's father had been in the Army, she still didn't feel like she had a strong military background or understanding of the Corps.

“How am I going to share stories of Marines if I don't know myself what they've gone through?”

<https://www.marinecorpstimes.com/news/your-marine-corps/2019/01/24/the-art-of-war-how-combat-artists-are-capturing-the-soul-of-the-marine-corps/>

McKelvey shipped off to boot camp the day after she graduated college. Her military occupational specialty was combat camera, now revamped as communication directorate, and McKelvey works in the print shop and does graphic design for the Marine Corps.

For her, her primary and secondary MOS easily go hand-in-hand.

A Houston visit to NASA resulted in a piece of art depicting the first female Marine astronaut, Lt. Col. Nicole Mann.

In 2018, McKelvey led a team of seven to create a mural at Marine Week Charlotte — which included historical aspects of the Corps in the North Carolina town, like the first black recruit, Pvt. Howard Perry, a Charlotte native.

She also went to Twentynine Palms, California, in 2018 to do field illustrations at the ITX there.

And she recently got to paint the Corps' 300th Medal of Honor recipient.

Retired Sgt. Maj. John Canley was bestowed the medal in 2018, more than 50 years after his heroic actions as a gunnery sergeant in Hue City, Vietnam.

McKelvey interviewed a former Marine private who served under the gunny, John Ligato, to get “his perspective and what he saw,” and draw her piece from that.

Her acrylic painting — painted in the program's studio space with their supplies — was of “one of the moments that earned (Canley) the Medal of Honor.”



Sgt. Elize McKelvey painted this piece of then-Gunnery Sgt. John Canley during a battle in Hue City, Vietnam, that later garnered him the Medal of Honor. (Sgt. Elize McKelvey/Marine Corps)

As a retired Marine captain and the current deputy director of the museum, Charles Grow penned in 2017 in *Leatherneck* magazine, “the Marine Corps is looking for a few good artists.”

“The artists should have a host of operational experience from which to draw (pun intended),” he wrote, and ideally will be a mix

of both officers and enlisted Marines.

Interested Marines can submit a portfolio of about 20 works to the program in order to be considered.

McKelvey is trying to get some artists she knows to that point — to join, what she says, is a very important part of Marine Corps history.

“It was Marines sharing Marines stories,” McKelvey said. “Marines in the foxholes, on the front lines, portraying what they saw.”

Andrea Scott is editor of Marine Corps Times. [On Twitter: @andreascott.](#)

Colleges' Reluctant Embrace of MLK Day

The push for a national Martin Luther King holiday prompted a fierce political tug-of-war, on campus and off.

By Cynthia R. Greenlee

JSTOR Daily, January 20, 2019



Dr. Martin Luther King Jr. speaking at Duke University on November 13, 1964 (via [Flickr](#))

It wasn't that long ago, in 1990, that Yale University started its spring semester on January 15, the birthday of slain civil rights leader Martin Luther King. That didn't sit well with community members who were pressuring the Ivy League school to close for a King holiday, whether on his actual birthday or the federal observance on the third Monday in January. The holiday was signed

into law in 1983, but was sporadically observed.

Beatrice Sibbles, a former co-chair of the Black Students at Yale organization, told the *Yale Daily News* that she felt the “strong absence of recognition” of what she described as a “new and politically sensitive holiday.” She went on to say that “black students feel it's a day only they recognize.” And it wasn't just students who felt this way. Two Yale employee unions also had their say. Local 35's membership was half people of color, said a spokesperson, and noted many of them felt strongly about observing the holiday. In contract negotiation years, employees had asked for the King holiday off. In 1985, the university let employees take personal days for the holiday, dependent on seniority and staffing levels. A few years later, the best the university—which honored few holidays—could offer was an hour off to mark the day.

As it turns out, Yale was not alone in its partial embrace of the commemoration. In 1998, the *Journal of Blacks in Higher Education* found that [about 10 of the nation's Top 25 elite institutions](#) of higher education conducted business as usual on the King holiday. That year, the journal began publishing a near-annual roll call of those institutions, which that year included Cornell, Duke, Notre Dame, the University of Chicago, Vanderbilt, and Yale.

From the start, the push for a national King holiday prompted fierce political tug-of-war on campus and off. Less than a week after King's assassination, Representative John Conyers (D-MI), then a junior congressman, introduced a bill calling for a King observance—[one he would introduce again and again](#). President Jimmy Carter advocated for it, to no avail, in 1970. The next year, Stevie Wonder literally lent his voice to the campaign in a new single, “[Happy Birthday](#),” that begins:

You know it doesn't make much sense
There ought to be a law against
Anyone who takes offense
at a day in your celebration.

The big showdown came in 1983, when archconservative [Senator Jesse Helms \(R-NC\) filibustered the MLK Day bill](#) on the Senate floor, carrying a tome with information from King's FBI file and insinuating, Red Scare-style, that King was a Communist. In response, Senator Daniel Patrick Moynihan (D-NY) stomped the file to the ground. Days after that dustup, Congress voted for a King holiday. Staring down a possible veto override if he objected, President Ronald Reagan begrudgingly sealed the deal. Even then, some states waxed defiant. South Carolina didn't recognize it as a paid day off for public workers until

<https://daily.jstor.org/colleges-reluctant-embrace-of-mlk-day/>

2000, and Alabama and Mississippi continue to lump in King with Confederate General Robert E. Lee in a deeply [odd hybrid holiday](#) every third Monday in January.

Some colleges and universities also held out. Administrators, students, staff and faculty grappled with questions that spoke to the wider national contestation, sparking a conversation about the holiday but also the demands of university life. Should classes just be cancelled or merely paused to allow attendance at Martin Luther King-specific events? Should such a holiday be best experienced by days of service—as recommended by President Bill Clinton in the early 1990s—or by fruitful class discussions that centered on racial equity or social change? While administrators pondered the cost of paying wages for a holiday, some instructors lamented the loss of another teaching day.



Dr. King marching in the Solidarity Day Parade at the United Nations Building, April 15, 1967 (via [Flickr](#))

And there were other calculations. Didn't observing the King holiday signal disregard for not just King, but for black students and faculty? Would student advocates become protesters? Or would alternate observances become so large and prominent—as they did in the Henrico County, Virginia school system, where almost [5,000 students boycotted school](#) on the second official national King

holiday in 1987—so that recognizing the day might be the best choice?

There were different approaches: For schools that delayed the start of classes until late January, it was almost a moot point. Others quietly or quickly made the change with the institution's registrar, faculty councils, or governing bodies. In 1998, a spokesman at the University of Pennsylvania—where a young King had [audited several courses](#) in the late 1940s and early 1950s—declared that “universities aren't about closing, they are about engaging in meaningful discussion. You close for snow.”

Facing continuing outcry and activism from black students, Penn eventually canceled classes for MLK Day in 2001. Later, at Yale, an attempt to move the King holiday's Monday classes to a Friday met with stiff opposition from professors, who balked at changing the date and losing coveted nonteaching time.

Northwestern University President Henry Bienen suggested suspending classes for three hours during the day in 2002, but threatened that even that short interlude would be rescinded if students didn't turn out to a special event in satisfactory numbers.

At Duke, in January 1991, President Keith Brodie took a less confrontational approach, [proposing](#) that the institution officially recognize the third Monday in January as Martin Luther King Day. It wasn't a risky move. Academic deans at Duke had already signaled their approval, and the campus' Mary Lou Williams Center for Black Culture had held events in the slain civil rights leader's honor for years. Still, instructors taught classes, and the school's offices maintained their regular schedules on the day. The gears of the university ground on until the administration took an unprecedented step: Employees would be dismissed early in order to attend King-related events. The arc of the university's King holiday might not have bent decisively toward a full day off, but it was swinging—ever so slowly—toward full recognition of the observance.

Duke factions were still fighting over what to do seven years later. A February 16, 1998, [column](#) by the editorial board of the student newspaper, The Duke Chronicle, called the move to cancel classes “superficial symbolism” and questioned whether the lack of an official holiday really meant the university's disregard for King's contribution.

<https://daily.jstor.org/colleges-reluctant-embrace-of-mlk-day/>

The writers raised objections heard on other campuses, namely that crammed university schedules couldn't stand losing valuable classroom time. And besides, they argued, the campus was brimming with King-themed brownbag lunches and lectures. King should not be judged as so much more important than other American luminaries, they claimed. "A decision to halt classes for Dr. King also begs the question whether Abraham Lincoln, Paul Revere and the nation's millions of war veterans are equally deserving of such an honor." Not to mention the concern that members of the university community would fritter away the newly-won free time they'd gain for the observance. "With their schedules lightened, would more people go to the Monday observance or would more people go out of town for the long weekend?"

Resources

JSTOR is a digital library for scholars, researchers, and students. JSTOR Daily readers can access the original research behind our articles for free on JSTOR.

[Colleges and Universities That Don't Observe the Martin Luther King Jr. Holiday](#)

The Journal of Blacks in Higher Education, No. 19 (Spring, 1998), pp. 26-27

The JBHE Foundation, Inc

[Legacies and Liabilities of an Insurgent past: Remembering Martin Luther King, Jr., on the House and Senate Floor](#)

By: Francesca Polletta

Social Science History, Vol. 22, No. 4, Special Issue: Memory and the Nation (Winter, 1998), pp. 479-512

Cambridge University Press

[The "Tip of the Iceberg" in a Southern Suburban County: The Fight for a Martin Luther King, Jr., Holiday](#)

By: Thomas J. Shields

Journal of Black Studies, Vol. 33, No. 4 (Mar., 2003), pp. 499-519

Sage Publications, Inc.

Notre Dame to cover Christopher Columbus murals

By Natalia E. Contreras, Indianapolis Star

USA TODAY, January 22, 2019



One of the 12 Christopher Columbus murals in the Main Building on the University of Notre Dame campus. Some students, employees and alumni have called on the university to remove the paintings. (Photo: Photo by Matt Cashore, University of Notre Dame)

The University of Notre Dame [will cover its 19th century murals of Christopher Columbus](#) but will preserve them, university president Rev. John I. Jenkins said in a letter to students and faculty Sunday.

Jenkins said the decision came after [a recent outcry from students, alumni, faculty and staff to remove the murals](#).

In 2017, an open letter to Jenkins with 340 signatures said the pieces of art celebrate slavery and depict Native Americans and blacks as stereotypes.

After a group of Native American students in 1995 called for the murals' removal, the university created pamphlets to explain their historical context. The pamphlets were updated with more information in the 2000s, [according to IndyStar reports](#).

Jenkins said that, over the years, he has listened to the concerns and issues over the topic from students, faculty, staff and representatives of Native American communities.

"... (The murals) reflect the attitudes of the time and were intended as a didactic presentation, responding to cultural challenges for the school's largely immigrant, Catholic population," the letter states. "In recent years, however, many have come to see the murals as at best blind to the consequences of Columbus's voyage for the indigenous peoples who inhabited this "new" world and at worst demeaning toward them."

The 12 murals, which are located on Notre Dame's entrance to the Main Building, were painted by Luigi Gregori in 1882-84, the president's letter states.

Jenkins said he made the decision after consulting with the University's Board of Fellows on a course that will "preserve the murals but will not display them regularly in their current location."

Student group thankful for decision

The Native American Student Association of Notre Dame on Facebook called the decision a step forward for the university.

"The Native American Student Association of Notre Dame is thankful for Father Jenkins' thoughtful and wise decision. This is a good step toward acknowledging the full humanity of those Native people who have come before us," the post states. "We sincerely hope that Father Jenkins and his administration will continue to prioritize Native issues on our campus in the coming weeks and months as there is still work to be done."

The murals are painted directly onto the plaster of the walls, and any attempt to move them would damage and likely destroy the works, the letter states.

<https://www.usatoday.com/story/news/nation/2019/01/22/notre-dame-cover-murals-christopher-columbus-after-outcry/2642822002/>

The murals will be covered by woven material consistent with the decor of the space. A high-resolution image of the murals will be displayed in a campus location to be determined by a committee, the letter states.

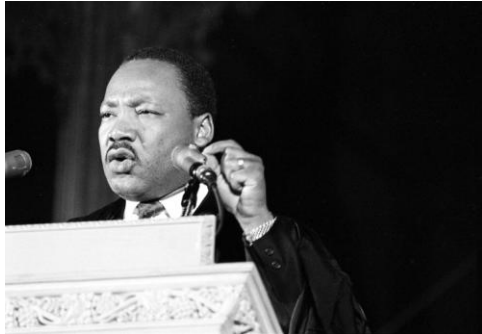
"The murals present us with several narratives not easily reconciled, and the tensions among them are especially perplexing for us because of Notre Dame's distinctive history and Catholic mission," the letter states.

A specific time and date for when the murals will be covered was not immediately available Sunday.

We honor Martin Luther King Jr. not for his victories but for his vision [OPINION]

By David Von Drehle

The Washington Post, January 20, 2019



Martin Luther King Jr. at Washington National Cathedral on March 31, 1968. (Associated Press)

At the time of his murder in 1968, Martin Luther King Jr. had become the proverbial prophet without honor in his own land. A [survey by the Harris Poll](#) found that the 39-year-old civil rights leader appeared to have lost his grip on the American imagination. Three out of 4 white respondents said they disapproved of King's work after his turn against the war in Vietnam. More striking, roughly half of all black Americans also disapproved.

Only a few years earlier, King had been at a zenith: In 1964, he was Time magazine's [Man of the Year](#) and the youngest person to date to [win the Nobel Peace Prize](#). His success in seeing the Civil Rights Act of 1964 signed into law was followed by the Voting Rights Act in 1965.

But 1968: This scant time later, King was widely criticized, even by his peers in the civil rights movement. African American leaders admonished him not to bring his protests to their cities. Of black leaders such as Roy Wilkins of the NAACP and Rep. Adam Clayton Powell (D-N.Y.) of Harlem, [King lamented](#): "Their point is . . . Martin Luther King is dead; he's finished; his nonviolence is nothing. No one is listening to it."

And from leaders of the rising Black Power movement came other criticisms. King's philosophy of peaceful protest was weak and servile; some derided his churchly bearing by calling him, behind his back, "De Lawd." (Even at the height of King's influence, Malcolm X attacked him as a ["modern Uncle Tom."](#)) As one [left-wing writer declared](#) of King's final, underwhelming effort, the Poor People's Campaign: "The failure of the campaign is the kiss of death" for King's Southern Christian Leadership Conference.

Friends of King remarked on his dejection during his last months, historian David Garrow says in ["Bearing the Cross."](#) "He was just a different person," said stalwart ally the Rev. Ralph Abernathy. "He was sad and depressed."

King wondered whether his work was having any impact and noted the animosity aimed at champions of unfulfilled hopes. "The bitterness is often greater toward that person who built up the hope, who could say 'I have a dream,' but couldn't produce the dream because of the failure and the sickness of the nation to respond to the dream," [King said](#).

And he spoke often of his own death, which seemed as close and tangible as his lectern or pulpit or motel worktable. At home one Sunday in Atlanta, he mused to the congregation at Ebenezer Baptist Church about the words he hoped would grace his gravestone. A few weeks later, on the night before he was slain in Memphis, King warned his audience that, like Moses, he might not make it to the Promised Land.

Yet over and over on his hard and often lonely path to martyrdom, King admonished himself to remain hopeful. Surrendering to the despair that haunted him would be a repudiation of all that he believed and lived by. This was his profound Christian faith talking. One can be hopeful without being Christian, but to King, no one could truly be Christian without being hopeful. To love one's enemies, no matter how hateful

https://www.washingtonpost.com/opinions/we-honor-martin-luther-king-jr-not-for-his-victories-but-for-his-vision/2019/01/20/e87b2e98-1b56-11e9-8813-cb9dec761e73_story.html

they are in return, is an act of radical optimism and steeled faith. “Hope,” [he said](#), “is the final refusal to give up.”

On Monday, the nation commemorates 90 years since King’s birth. This year’s holiday finds many of us in our own dark places. Love for enemies is in short supply. Solidarity with the poor, the stranger, the prisoner, is widely mocked. Tribes, sects and identity groups command loyalty, while the principle of universal and essential humanity goes begging.

At such a time, it is good to remember that the life we revere and celebrate this week was shadowed by doubt, stalked by division, haunted by fear and plagued by a sense of failure. We honor Martin Luther King Jr. not for his victories, which remain incomplete at best. We honor him for his vision, and for his sacrificial commitment to that vision. He saw what we might be capable of — as individuals and as a nation — and believed in that possibility so deeply that he dropped everything else, even life itself, to hold it high where we can always see it.

Like King, we also choose each day whether to live in hope or fear, with love or hate, as builders or destroyers. From King, we learn the lesson that these choices are never as easy as they sound and never as popular as we imagine. In King, we have a model for choosing, and a fierce example of the final refusal to give up.

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SEE ALSO:

[Never too young to learn about diversity](#) [*The Associated Press*, 2019-01-23]

[Volunteers give back on Martin Luther King Jr. Day](#) [*The Associated Press*, 2019-01-23]

[Speakers say King’s dream still unfulfilled](#) [*The Associated Press*, 2019-01-22]

[In freezing cold, marchers find warmth through King’s message](#) [*The Washington Post*, 2019-01-21]

Discrimination

Age bias law does not cover job applicants: U.S. appeals court

By Jonathan Stempel

Reuters, January 23, 2019

A divided U.S. appeals court on Wednesday dealt a setback to older job applicants, saying they cannot invoke a federal law against age bias in employment to challenge hiring policies they believe have a discriminatory impact.

In an 8-4 decision, the 7th U.S. Circuit Court of Appeals in Chicago said the “plain language” of the Age Discrimination in Employment Act (“ADEA”), which forbids discrimination against people 40 and older, showed that Congress intended that law to cover current employees, not outside job applicants.

The decision reversed a 2-1 ruling last April by a panel of the same court.

It also reinstated a federal district judge’s dismissal of Illinois resident Dale Kleber’s disparate impact claim against CareFusion Corp, a unit of medical device maker Becton Dickinson and Co.

Kleber claimed in his lawsuit that CareFusion decided not to interview him after he applied for a job as a lawyer in 2014, when he was 58 years old, and instead hired a less qualified candidate who was only 29.

The job description required that applicants have “no more than 7 years” of relevant experience, less than Kleber had.

Lawyers for AARP Foundation Litigation, which represented Kleber, did not immediately respond to requests for comment.

Becton Dickinson spokeswoman Kristen Cardillo said the company was pleased with the decision, and is “deeply committed to providing equal employment opportunities and a workplace free from discrimination.”

People 55 or older comprised 22.4 percent of U.S. workers in 2016, up from 11.9 percent in 1996, and may account for close to one-fourth of the labor force by 2022, [according](#) to the Bureau of Labor Statistics.

Wednesday’s majority opinion was written by Circuit Judge Michael Scudder, an appointee of President Donald Trump.

Scudder distinguished the ADEA from Title VII of the Civil Rights Act of 1964, which Congress has amended to cover job applicants. He said that body remained free to similarly extend the ADEA, which “the judiciary cannot” do.

Circuit Judge David Hamilton, an appointee of President Barack Obama, dissented, saying extending ADEA protections to job applicants tracked the U.S. Supreme Court’s view of Title VII.

Hamilton also faulted the majority for offering no plausible policy reasons to ignore the “more sensible and less arbitrary” interpretation of the ADEA.

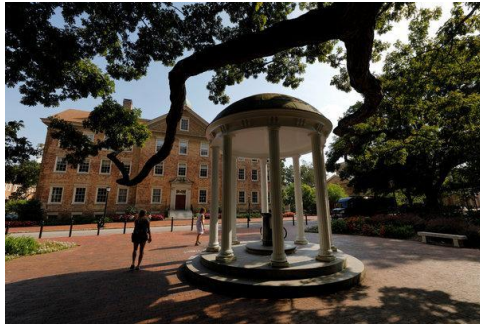
The case is *Kleber v CareFusion Corp*, 7th U.S. Circuit Court of Appeals, No. 17-1206.

Reporting by Jonathan Stempel in New York; Editing by Peter Cooney

U.N.C. Admissions Lawsuit Brings Another Attack on Affirmative Action

By Anemona Hartocollis

The New York Times, January 18, 2019



A group that opposes race-conscious admissions is suing the University of North Carolina at Chapel Hill. Both sides filed briefs on Friday laying out their arguments in the case. (Credit: Jonathan Drake/Reuters)

The University of North Carolina at Chapel Hill weighs race so heavily in its admissions process that it is the predominant factor in determining whether many black and Hispanic students get in, according to court papers filed on Friday by an anti-affirmative action group that is also [suing Harvard](#).

The group, Students for Fair Admissions, says the university is excluding white and Asian applicants in favor of less qualified black and Hispanic students.

The plaintiffs accuse U.N.C., a public flagship university, of using race “at every stage” of the admissions process, in violation of the law, “even when the application gives no indication that race affected the student’s life in any way.”

“This is wrong,” the university said in a brief in its defense, also filed Friday. An applicant’s race does not provide an automatic boost or guarantee admission, the university said. Rather, “This factor, like all others, is always considered in the context of everything else known about a candidate and in light of the range of contributions the candidate might make to the University.”

The case has many similarities to a deeply divisive lawsuit that Students for Fair Admissions brought against Harvard, leading to a [hard-fought trial](#) last fall and a national conversation over the role of race in college admissions.

But unlike the Harvard case, which focused on whether the university was particularly unfair to one minority group, Asian-Americans, the U.N.C. case is more akin to high-profile affirmative action suits of the past, which accused schools of favoring black and Hispanic students over others.

The cases are also somewhat different in legal approaches. The plaintiffs accuse Harvard of violating federal civil rights law, and U.N.C. of violating civil rights law and the Constitution’s Equal Protection Clause. Both lawsuits were tailored to reach the Supreme Court, and they amount to a two-pronged attack that maximizes the chances for a hearing.

Originally filed in 2014, both suits were engineered by [Edward Blum](#), a conservative activist who opposes racial preferences. At this point it is a tossup which of the cases will reach the high court first. It is possible that if one gets there first, the Supreme Court could decide to call up the other as well, lawyers said.

Both sides in the U.N.C. suit asked a federal court judge to rule immediately in their favor, rather than allowing the case to go to trial.

The filings cap a stressful week for U.N.C., whose chancellor, Carol Folt, ordered [the removal of the last remnants of a Confederate monument](#) on campus that had become a focus of racial tension, and then announced her resignation.

<https://www.nytimes.com/2019/01/18/us/unc-affirmative-action-lawsuit.html>



The briefs were filed a few days after the chancellor ordered the removal of the remnants of a Confederate monument on campus. (Credit: Julia Wall/The News & Observer, via Associated Press)

In an email to the U.N.C. community on Friday, Ms. Folt portrayed the suit as part of a coordinated campaign against race-conscious admissions policies at three leading universities, U.N.C., Harvard and the University of Texas. (Students for Fair Admissions filed a similar admissions suit against the University of Texas in state court in 2017.)

She sought to reassure students that no one on campus was underqualified. “We are proud of the contributions our students make in our community, and we want each of you to know that you rightfully earned your place here,” she said.

Like the Harvard suit, the U.N.C. case rests heavily on dueling statistical analyses, one for Students for Fair Admissions by Peter Arcidiacono, a Duke economist who is also the plaintiffs’ expert in the Harvard case, and one for U.N.C. by Caroline Hoxby, a well-known economist and educational theorist at Stanford University.

Professor Arcidiacono found that racial preferences accounted for nearly a quarter of admissions for in-state Hispanic applicants and nearly 42 percent of admissions for in-state African-American applicants. Professor Hoxby, however, found that race affected just a tiny share — 0.8 to 5.6 percent — of admissions decisions.

U.N.C., a public flagship university, admits about 9,500 for a class of 4,000, of which 82 percent must be North Carolinians.

The plaintiffs argue that U.N.C. could achieve the racial and ethnic diversity it wants by focusing more heavily on socioeconomic and geographic factors in admissions. U.N.C. argued, echoing Harvard in its case, that such an approach would reduce both the diversity and educational excellence of the class. The U.N.C. brief said black and Hispanic students already feel marginalized, and that the approach proposed by the plaintiffs would leave them even more so.

“University professors observe a lack of minorities in certain classes, fields or areas of campus,” the U.N.C. brief says. “In turn, underrepresented minority students report feelings of isolation and unfair pressure to represent their race or ethnicity — effects that further impede education.”

In the Harvard case, the plaintiffs are arguing that Harvard suppresses the number of Asian-American students admitted by holding them to a higher standard on grades and test scores, and by reaching for [racial stereotypes to downgrade their applications](#). Harvard has said that it does not discriminate, and that the case is built on a flawed and hypothetical statistical model that does not reflect reality.

The judge in the Harvard case has asked for new closing arguments in February, and lawyers say that she may not rule until June.

Diversity

Good ol' boys network, meet black girl magic: Black, female entrepreneurs are changing Silicon Valley

By Jessica Guynn

USA TODAY, January 24, 2019



Julia Collins is the first black woman to co-found a company valued at \$1 billion or more by investors. (Photo: Cody Pickens)

SAN FRANCISCO – In the early days of Zume Pizza, visitors to Julia Collins' robotic food prep company in Silicon Valley would sometimes greet her at the door and say: "Can you grab me a water? I'm here to meet with the founder." When pitching her business to investment partners at venture capital firms, Collins was nearly always the only woman and always the only black person in the room.

Then, late last year, a hairline crack surfaced in the invisible yet seemingly impenetrable barrier that limits black women's access to the tech world. A \$375 million investment gave Zume Pizza a valuation of \$2.25 billion.

It wasn't just the company she co-founded that reached unicorn status. Collins did, too, as the first black woman whose tech company is valued at \$1 billion or more by investors. Now that's she's working on a new startup in regenerative agriculture, investors are calling her.

Generating tens of billions in revenue, black women are the nation's fastest-growing demographic of entrepreneurs. But for decades at the nexus of money and power in Silicon Valley, they've been [underestimated and overlooked](#). Research shows that black women are among the least likely to get checks cut by venture capitalists. So few raise venture money that the percentage is, statistically speaking, nearly zero.

The overwhelming majority of entrepreneurs who land venture capital funding are white men, much like the financiers [who hand it out](#). Venture capitalists tend to [place their bets](#) on people who've already succeeded or who remind them of the people who have.

So black women are fighting that pattern matching with a whole new pattern: Good ol' boys network, meet black girl magic.

There's Morgan DeBaun, who was just 24 when she created Blavity, a popular digital media hub for black millennials. By the age of 15, Stephanie Lampkin was a web developer and, with degrees from Stanford University in California and Massachusetts Institute of Technology, she leads Blendoor, a startup that uses technology to combat bias in hiring. Kellee James, who worked for the first marketplace to trade carbon credits and advised the Obama administration on environmental markets as a White House fellow, is behind Mercaris, a futures market for organic and non-GMO commodities.

Now this small but growing wave of black, female entrepreneurs is prying open doors for a new sisterhood in tech.

"Although I recognize that I am the first," Collins says of becoming a unicorn, "the thing that I spend the most time thinking about is how to make sure I am not the last or the only one."

<https://www.usatoday.com/story/news/2019/01/24/black-women-entrepreneurs-changing-face-silicon-valley-technology/2575786002/>

Black women among least likely to get venture capital

Black women face significant roadblocks in Silicon Valley – [insular networks](#), [negative stereotypes](#), [overlapping discrimination](#) based on gender and race. Nowhere are they more [sharply underrepresented](#) than on Sand Hill Road, the leafy stretch in Menlo Park, California, [where venture capitalists cluster](#), just miles from the headquarters of some of the world's most powerful tech companies.

Jessie Woolley-Wilson, CEO of education tech company DreamBox Learning and the daughter of a Haitian immigrant, recalls being asked to fetch coffee while waiting to pitch her company in 2012.

"I turned around and said: 'I don't know where the coffee is here, but when you find it, would you mind bringing me some? I take it black,'" she replied. "I laugh about that now, but I said it at the time with a tense jaw."

Little has changed since then for black women trying to tap Silicon Valley's wealth machine, Woolley-Wilson says.

"People with good hearts still believe that I'm an anomaly," says Woolley-Wilson, who has raised \$170 million. "What they don't realize is that there's all of this rich, promising talent out there who will help them be more successful and [create more solutions and products](#) that are relevant to an increasingly diverse marketplace."

Turning the tables on investors

Phaedra Ellis-Lamkins is in the vanguard of those remaking Silicon Valley's image of black women. Her tech startup Promise is down one flight of stairs in a historic 19th-century building in Oakland. The airy, upscale offices with exposed brickwork and duct work are below street level. Ellis-Lamkins jokes it's the "garden" level.

Her brown hair pulled back in a bun, Ellis-Lamkins moves through the day in a staccato rhythm, never dropping a beat as she takes meetings one after the other with the cool efficiency of an air-traffic controller.

Promise, which graduated from Y Combinator, the hotshot incubator that has birthed the likes of Airbnb and Dropbox, is working on "decarceration," keeping people – mostly poor or of color – out of jail who don't need to be there. And she's secured \$12 million and the confidence of venture capitalists, including First Round Capital and Jay-Z's Roc Nation.

From the start, Ellis-Lamkins was picky about whose money she would take. "I felt like I was interviewing them: Who could help build the vision I wanted, who could give me the capital I wanted," she says.

One investor with FOMO (fear of missing out) pursued her relentlessly, then began the meeting by directing her to pitch him. "Pitch you?" she replied. "You asked to meet with me."

No one in this data-driven industry quantified the dearth of black, female entrepreneurs in tech until Kathryn Finney, an epidemiologist trained at Yale University, funded a research initiative, ProjectDiane, named for 1960s civil rights leader Diane Nash. Her first report in 2016 found that just 12 startups led by black women had raised more than \$1 million in funding. Two years later, nearly triple the number of black women founders – 34 – had crossed that threshold.

Still, the progress is frustratingly slow for those trying to reverse entrenched patterns of exclusion. From 2009 to 2017, black women raised \$289 million, or 0.0006 percent of the total \$424.7 billion of venture capital raised, ProjectDiane found.

<https://www.usatoday.com/story/news/2019/01/24/black-women-entrepreneurs-changing-face-silicon-valley-technology/2575786002/>

"Every black woman I know, whose credentials are just as good as mine, has had trouble raising money," says Lisa Gelobter, a former tech executive at BET Networks and chief digital service officer in the Obama administration's Department of Education.

Her Oakland start-up tEquitable, which helps companies and employees proactively address workplace issues such as discrimination and harassment, has raised \$2 million, but didn't always have the easiest time doing it. She was told by one investor in Silicon Valley, where technical expertise is prized, that Gelobter and her co-founder were "too technical." Other experiences have also left them feeling uneasy in ways that were difficult to pin down, let alone prove.

"It's hard to distinguish between people not wanting to invest in me because they don't think the business is good and not wanting to invest in me because of who I am," Gelobter says. "That's the insidious thing."

Black women held to higher standards

A recent report from Morgan Stanley found that investors see fewer pitches from women and minority entrepreneurs and, when they do, they hold those entrepreneurs to higher standards.

Before Melissa Hanna could begin her presentation at a venture firm a couple of years ago, she was grilled for 20 minutes straight about her background, where she received her MBA and law degree, even where she went to high school.

Hanna, co-founder of Mahmee, a Los Angeles tech company that works with health care systems and insurance companies to get women access to maternity care, didn't think anything of it, until her chief technology officer Sunny Walia told her: "I've never seen that happen." "You realize how many questions they asked about you?" he told her. "How many things they challenged about your background?"

"Until investors sit across the table from someone who is unlike anyone they have ever invested in before, hears them out for who they really are and says, 'Wow, you have the potential to lead a multimillion-dollar or billion-dollar company,' we are not going to see the metrics change," Hanna says.

'Like a punch to my stomach'

Over the life of her company, an online marketplace that matches homeowners and small businesses with vetted general contractors for major renovations, Jean Brownhill says she's pitched 350 investors. The idea for Sweeten sprang from the troubled remodel of her 1800s wood-frame house in Brooklyn's Bedford-Stuyvesant neighborhood, and she developed the concept while on a Loeb Fellowship at Harvard University's Graduate School of Design. More than \$1 billion in residential and commercial construction projects have flowed through the platform.

Two years after starting Sweeten, Brownhill strode through the door of a Greenwich Village coffee shop in New York City in the summer of 2013 to pitch a prominent tech investor. One of his first questions caught her off guard. He wanted to know if her father had been around when she was growing up. "It felt like a punch to my stomach," she recalls. "On the outside, all I did was smile. I remember making a joke and pulling up a photo of my dad on my iPhone."

Ten minutes later, the conversation was over and they shook hands. "The first thing I did when I got back to the office was wash my hands," Brownhill says, "and get back to work."

These days, the checks come easier. While presenting at a recent meeting held by one of her investor's limited partners, she peered out at the sea of mostly white men over the age of 50 and realized she now had access to a professional network of investors that for years was tantalizingly out of reach.

<https://www.usatoday.com/story/news/2019/01/24/black-women-entrepreneurs-changing-face-silicon-valley-technology/2575786002/>

"There aren't that many opportunities for us to build those kinds of meaningful personal connections," she says, "and that makes it tougher every which way you slice it."

Creating alternatives to venture capital

So tough, in fact, that most black women don't raise any venture capital at all. Increasingly that's by design. They are bootstrapping their companies or exploring alternatives such as smaller local funds or family funds. Crowdfunding and initial coin offerings – a type of crowdfunding that deals in cryptocurrencies – have also caught on.

In 2012, frustrated by her hunt for a replacement part to fix her grandfather's tractor while working for an industrial distributor in Atlanta, Jewel Burks came up with Partpic, software that lets you point a smartphone camera at a piece of hardware to find a replacement without knowing the name of the supplier or the part. She had a hard time getting venture capitalists on board.

"They had trouble matching who I am with what Partpic was," she says.

Burks raised more than \$2 million in seed funding and closed deals with distributors and retailers. She demoed Partpic for then-President Barack Obama. In 2016, Amazon swooped in and bought her company.

Today, a growing number of diversity funds, including New Voices, a \$100 million fund from Sundial Brands CEO Richelieu Dennis, are giving black women more options. And a new crop of venture firms started by black men – Precursor Ventures' Charles Hudson, Equal Ventures' Richard Kerby and Cross Culture Ventures' Marlon Nichols and Troy Parker, who say they invest in founders from all backgrounds without bias – are leveling the investment playing field even more.

Burks, an adviser and investor, says she's researching new funding models for women and people of color.

"I am personally more interested, not in a conversation about how do we get traditional venture capitalists to invest in more black-founded companies," she says, "but how do those of us who care create new, inclusive models which are designed specifically for founders whose businesses have historically been undercapitalized."

'If there is anyone we should double down on, it's black women'

Of all those blocking and tackling for black women in tech, the most visible and vocal is Arlan Hamilton. Four years ago, this former music-tour manager without a college degree bought a one-way ticket to San Francisco with the goal of backing underrepresented entrepreneurs. She was so broke that she met with tech investors by day and slept on the floor of the San Francisco airport at night until one of them cut her a check.

Of the 100 companies Hamilton has funded, 38 of them are led by black women. Last year, her investment firm Backstage Capital dedicated a \$36 million fund exclusively to black women. She calls it the, "It's about damn time fund."

They have to overcome so many obstacles and such long odds in Silicon Valley "if there is anyone we should double down on, it's black women," Hamilton says.

In December, Hamilton joined tech entrepreneur Jeff Rosenthal for his podcast, Art of the Hustle. Rosenthal recalled an investor, when backing a new venture of his, telling him: "If you lose my money, you will make me double on the next one." "Wow, amazing," Hamilton replied. "I have never heard those words in my life."

<https://www.usatoday.com/story/news/2019/01/24/black-women-entrepreneurs-changing-face-silicon-valley-technology/2575786002/>

"That feeling of privilege that Jeff felt is the same privilege I am trying to provide for black women," Hamilton says. "I am trying to put them in an Iron Man suit and let them fly."

In Atlanta, Finney's company digitalundivided runs the BIG Incubator Program. "The goal is to get the black and LatinX community into the start-up ecosystem," she says.

Many of the founders didn't attend Ivy League schools. Some didn't go to college at all. Few come from the kind of generational wealth that can keep them afloat until they're ready to pitch their ideas to investors. So they hold down full-time jobs, max out their credit cards or drain their savings to tackle real problems that "only they have the knowledge to solve," Finney says.

Solving real problems

Jasmine Arielle Edwards was 15 when she had her first child in 2003. Everyone thought she'd drop out of high school or enroll in an alternative school, but she graduated with honors and two scholarships to help pay for college. Since then, this mother of six has earned three degrees.

A former substitute teacher, her startup, i-Subz, is a recruiting and placement marketplace for substitute teachers and schools that serve low-income students. "I've been working to give students who experience hardships like I did an opportunity to connect with substitutes who understand their resilience," she says.

Every week for nine months, she made the round-trip drive between her home in Tampa, Florida, and Atlanta to take part in Finney's accelerator.

Rising expenses – rent, food, child care, gas – stretched her husband's paycheck so thin, they stowed their belongings in storage and moved into her parents' two-bedroom home where she, her husband and their kids slept together on air mattresses in one room.

In November, with some help from her husband's family and some savings, they rented their own place again, though this one is smaller and cheaper than the last. And i-Subz is growing. It has launched a pilot in three schools with 20 substitute teachers and brought aboard its first paying customer.

"To get to funding land," Edwards says, "you have to build a makeshift bridge and hope you don't fall off."

How more women on cybersecurity teams can create advantages

By Meredith Rutland Bauer

Fifth Domain, January 18, 2019



Soldiers assigned to the 44th Expeditionary Signal Battalion, 2nd Theater Signal Brigade, monitor the network at Lightning Ops, the Theater Network Operations Center for Exercise Saber Guardian 17, June 27, 2017, at Mihail Kogalniceanu Air Base, Romania. (William B. King/Army)

Renee Beckloff never envisioned that the first part of her cybersecurity career would include an expectation to trace electrical wires while in a skirt. Yet, it was common for her bosses to require her to wear skirts while out of the office, even if it meant bending down awkwardly on a raised floor to seek out wire sources.

Now the vice president of customer advocacy at anti-virus firm Cylance, Beckloff said being a woman in cybersecurity can often mean finding yourself in difficult situations.

Today, women make up 11 percent of the global cybersecurity industry, according to a 2017 [international survey](#) of cybersecurity workers by The Center for Cyber Safety and Education and the Executive Women's Forum on Information Security, Risk Management & Privacy. Of those women, 1 percent of female cybersecurity workers are in C-suite leadership positions. This glass ceiling is even higher for women of color.

The gender gap means a smaller pool of potential workers in an industry looking to face 3.5 million unfilled positions by 2021, [according to research](#) by Cybersecurity Ventures. But women who are already part of the industry contend it represents a strategic disadvantage for cyber companies. While women hold some of the top cyber leadership positions at the Department of Homeland Security and throughout the Department of Defense, for cyber departments within military branches and defense contractors, this gap could represent an unaddressed tactical disadvantage, they said.

Jennifer Sunshine Steffens, CEO of IOActive said without women on a cybersecurity team “you lose out on a lot of diverse perspectives. Especially in security, we’re trying to fight against ever-changing threat aspects. You want all perspectives ... to make sure we can stay up to speed and [to be] as ahead of things as possible.”

The challenges for women in cybersecurity range from meager recruitment of women into cyber-focused college majors to a lack of female advocates and mentors who often make promotion decisions, said May Mitchell, vice president of marketing at Cylance.

It’s “much easier for men to build their support network and get promotions and assigned the cooler projects. The recognition and promotions individuals received were not always based on skills; it was about getting the right sponsors and champions,” Mitchell said.

This creates a disadvantage for cybersecurity companies in subtle but profound ways, experts said. Attackers come from diverse backgrounds and ideas on how to defeat them are often ignored when the decisionmakers are only men. Those teams with ample diversity are more productive and more profitable, said Keenan Skelly, vice president of global partnerships and security evangelist at cybersecurity training company Circadence, citing MIT research.

<https://www.fifthdomain.com/workforce/2019/01/18/how-more-women-on-cybersecurity-teams-can-create-advantages/>

“Diversity is so crucial right now as we are developing more complex technologies, such as machine learning and artificial intelligence. All the biases we hold as human beings are being transferred to those technologies,” Skelly said. “Without diversity, we cannot create truly diverse technology.”

Beckloff said it’s common for male leaders in the cybersecurity space to rely on an aggressive and fast-paced strategy, sometimes to the detriment of their goals or products.

“Overall, women provide a more well-rounded view of the issues at hand. In defense, we often times need more than an ‘attack first, ask later’ mentality,” she said.

Joanna Hu, principal data scientist at security information and event management firm Exabeam, said in her experience, men in the technology industry tend to focus more on short-term impacts, whereas women look at the long run.

“There’s a trend, like most of the males felt ‘now is the time; we can’t risk more time’ or ‘we can’t spend more money on that,’” even when a product or research topic wasn’t fully vetted and holes were clearly visible, she said. “I also see this pattern in many places [in cyber].”

Women have an easier time developing relationships and building healthy teams, Hu said, and that emotional intelligence can be invaluable in tight spots when protocol alone won’t get the job done.

As an example, she pointed to a time when her team was on a tight deadline to put out a machine learning feature but found some bugs at the last minute. The engineers who would’ve been able to fix the problems lived in Ukraine, but they were off work on a national holiday. It would have taken days to get the bug fix assignment through the normal pipeline, missing the critical deadline.

Hu had spent significant time developing relationships with that team, so she called the engineers and asked if they could do her a favor. Had it been anyone else, perhaps it would have been asking too much. “I’d cultivated such a positive relationship with them,” she said. “They said ‘sure,’ and worked for me using their off time ... with their prompt reply and help, we were able to deliver the feature on time.”

Is Being a ‘Minority’ Really Just a Matter of Numbers?

By Wesley Morris

The New York Times, January 23, 2019



(Credit: Photo illustration by Derek Brahney/New Studio)

Classifying things is tricky, especially when the things you’re trying to classify are people. The groups expand and contract, and the groupers don’t always get the memo. Maybe they missed that, in certain circles, Latino/Latina became Latinx, or that Native Americans also accept “indigenous,” or that L.G.B.T.Q. often takes an “I.A.” at the end.

But the evolution of how a particular group identifies itself is one thing; how we group all those groups is something else. And in the United States, that grouping tends to be an either/or that sums up how this country envisions who’s who. It’s a system that, at least

superficially, doesn’t hurt too much, because it seems pretty simple: In the United States, you’re either straight and white (and so on), or you’re in the minority. In fact, you *are* a minority. And that can be awkward.

Let’s say we’re having a conversation about the Oscars. We’re talking about how excited we are that this year’s Best Picture mix could include not only Alfonso Cuarón’s drama about a Mexican domestic worker (“Roma”), Spike Lee’s buddy movie about a black cop and the KKK (“BlacKkKlansman”) and Barry Jenkins’s family tragedy based on a James Baldwin novel (“If Beale Street Could Talk”), but also “Black Panther,” “Crazy Rich Asians” and a smash-hit biopic about the flamboyantly queer British-Zanzibarian Desi frontman of Queen (“Bohemian Rhapsody”). And in expressing all this excitement, I say the best part is that the Best Picture category could be mostly minorities.

Now, there’s a version of this conversation in which you say: “I know. Right?!” and then confess that you don’t really like half of those movies, and we do battle over what terrible taste one of us has. But there’s also a version in which you hear me say “mostly minorities” and stop listening for a moment. You stop because my math makes no sense: *mostly minorities*? The Best Picture field has as many as 10 slots and as few as five. There’s no configuration in which the six movies above would constitute anything but a majority. So the question is: a majority of what?

In matters of identity, “minority” is about as axiomatic as a designation can get: There are straight, white able-bodied people, and then there’s everyone else. But it can also represent a kind of derogation. That’s how the sociologist Louis Wirth saw it in 1946, when he published his study “Morale and Minority Groups.” Wirth wrote that the word applied to “those who because of physical or social or cultural differences receive differential treatment and who regard themselves as a people apart. Such groups characteristically are held in lower esteem, are debarred from certain opportunities or are excluded from participation in national life.” His assessment didn’t feature a lot of numbers, because it didn’t need them: Your people could be “apart” and marginalized even if you made up 60 percent of the population.

Wirth included some European immigrants and their descendants in that group: Once upon a time, Italians and Poles were minorities, too. But they slowly assimilated into whiteness, creating an even more substantial majority — a bloc that left everybody else on the far side of the moat, minoritized. In his 2016 book, “Stamped From the Beginning: The Definitive History of Racist Ideas in America,” the historian Ibram X. Kendi sees this designation as nothing but trouble. “It made no sense as another name for Black

<https://www.nytimes.com/2019/01/23/magazine/is-being-a-minority-really-just-a-matter-of-numbers.html> people,” he writes, “since most Black people lived, schooled, worked, socialized and died in majority-Black spaces. The term only made sense from the viewpoint of Whites, who commonly related to Black people as the numerical minority in their majority-White spaces, and elite Blacks, who were more likely to exist as the numerical minority in majority-White spaces.”

During the civil rights era, as laws were reshaped to include and enfranchise more Americans, the accompanying science came to refer to nonwhite groups — or, in theory, any group that was less than half the population — as minorities. And doesn’t that sound as though it’s defusing something? It’s not a direct insult and not a pungent curse word. It’s simple math, couching your social status in a numerical tally. It sounds both apolitically right and politically correct. In America, it is now used interchangeably with “person of color” and “nonwhite,” and while there are those who will grumble, “minority” just isn’t *that* much of a feather-ruffler. I’ve never heard a white person, meanwhile, say, “I’m a majority.” Not unless a righteous sense of persecution is afoot — in which case you get upswells like the Moral Majority and the Silent Majority, blurring the line between “majority” and “supremacy.”

“Minority” sounds as if it’s rooted in data science and census results, but it has clearly busted free from the lab, carrying with it everything that’s ugly and presumptuous about what in this country belongs to whom. It’s so built into the language that you can make casual puns with it. Vice has a race-oriented online news show called “Minority Reports.” That’s a play on “The Minority Report,” a 1956 story from Philip K. Dick with a Dick-ishly ornate plot. A trio of oracles predict crimes that will happen in the future; when their predictions misalign, the state issues a majority report and a minority one. When two of these visionaries foresee a murder, the murderer-to-be goes looking for the minority report to clear his name. This is the simple-math way of thinking: In a democracy, the majority decides, and the minority dissents. Apply that tidy division to race, and there’s power math to do. The majority even gets to designate what kind of minority to be: model.

Sometimes majority is so ingrained that you can call people “minority” even when the minority is you. Just this fall, the movie “Widows,” an overwrought yet underrated heist thriller, pulled some rich irony out of this arrangement and built it into an almost throwaway moment: A white Chicago politician unveils a new business initiative for the ladies of his almost entirely black district, standing on a platform beneath a banner that reads “Minority Women Owned Work,” or “MWOW.” The crowd is thin, but in this neighborhood, it’s clearly the politician who is in the minority. The movie understands that the word isn’t a numerical distinction. It’s a matter of existential domain.

“Minority” sounds too official to do much harm. It’s not buzzy or obviously fraught. Kids aren’t greeting each other with it. Men haven’t injected it into barbershop arguments; nobody’s ever said, “Minority, *please*,” before disagreeing with me. It persists because the math feels loosely sound: Since this nation’s founding, “White/Caucasian/European” has been its most sizable racial category. Getting there required the slaughter of lots of those indigenous folks, but who’s counting? Well, white people are — the preservation of that majority has entailed everything from genocide to the invention of stuff like antimiscegenation laws.

This is how “minority” becomes a designation of passenger status in a car somebody else is always driving — even as more and different minorities ride in the back seat, even as the car becomes “majority-minority.” That’s the term used to describe, say, cities or districts where white people make up less than 50 percent of the population. More significant, it denotes the nearish point — the Census Bureau has it at about 2044 — when the *whole country’s* white population is expected to fall below 50 percent. Having grouped everyone else together as a single thing — “minorities” — white Americans may soon find themselves outnumbered by it.

<https://www.nytimes.com/2019/01/23/magazine/is-being-a-minority-really-just-a-matter-of-numbers.html>

The bureau made that announcement in 2014. A few years later, Sabrina Tavernise of The New York Times checked in with some demographers who were bracing for an intense backlash. The former bureau director, Kenneth Prewitt, confided that he was “really worried.” “Statistics are powerful,” he told her. “They are a description of who we are as a country. If you say majority-minority, that becomes a huge fact in the national discourse.” To the doomed majority, the pending reversal seems to spark feelings ranging from nostalgia to rage.

It has always been possible, of course, for a small minority to hog the driver’s seat. Ethnic minorities dominate nations all over the world. The American electoral system would certainly allow for something similar here: Already, the party that received fewer votes controls the presidency, the Senate and several state legislatures — a situation countless news outlets, like The Washington Post, Slate, Vox and The Atlantic, have described as “minority rule.”

Louis Wirth’s 73-year-old study might seem a little musty now, but he had his finger on the pulse of the problem. “Certain groups,” he wrote, “tend to develop a conception of themselves as inferiors, as aliens and as persecuted groups, which significantly affects their roles in the collective enterprise in the nation.” Some white people are acting as if they’re already there: keenly concerned about irksome moral math, as nonwhite people have been for a long time. They’re starting to think not only about who’s counting but also about who counts.

Wesley Morris is a staff writer for the magazine, a critic at large for The New York Times and a co-host of the podcast “Still Processing.”

New House Armed Services committee sees an influx of veterans, women

By Leo Shane III and Joe Gould
Military Times, January 20, 2019



Newly elected Reps. Mikie Sherrill, D-N.J., left, Abigail Spanberger, D-Va., center, and Chrissy Houlahan, D-Pa., right, pose for a picture in front of the U.S. Capitol on Nov. 14, 2018. Sherrill, a former U.S. Navy helicopter pilot, and Houlahan, a former Air Force officer, were named to the House Armed Services Committee this week. (Win McNamee/Getty Images)

WASHINGTON — This year's [House Armed Services Committee](#) will feature [more veterans](#) from the wars in Iraq and Afghanistan than ever before, and also boasts its largest contingent of female veterans crafting defense policy.

Democrats are adding 16 new members to the influential military panel, which in coming weeks will begin work on the [annual defense authorization bill](#) that sets the tone for military priorities and spending.

Combined with two new Republican members, that means nearly a third of the 62-member panel will be new this session, a significant amount of turnover for one of the more prominent [congressional](#) committees.

However, Chairman Adam Smith, R-Wash., has served on the panel since 1997 and been the Democrats top lawmaker on the committee since 2010. Most of the top Republican and Democratic leadership have served on the committee for almost a decade.

Republicans boast 11 members on the committee who have served in the military, Democrats 10. Of that total group, 11 of the veterans have served in the recent wars, the largest contingent yet for the committee.

They include three newly elected lawmakers: Colorado Democrat Jason Crow, who served with the Army in both Iraq and Afghanistan; Maine Democrat Jared Golden, a Marine Corps veteran who also served in both wars; and Florida Republican Michael Waltz, a former Green Beret who deployed to Afghanistan.

The four female veterans on the committee are all Democrats: Rep. Tulsi Gabbard of Hawaii, Rep. Chrissy Houlahan of Pennsylvania, Rep. Elaine Luria of Virginia and Rep. Mikie Sherrill of New Jersey.

The new Democratic faces also include national security specialists who haven't previously served in uniform.

Rep. Andy Kim, D-N.J., is a former Rhodes Scholar who advised generals David Petraeus and John Allen in Afghanistan and worked as Iraq director for the White House National Security Council beginning in 2013.

Rep. Elissa Slotkin, D-Mich., is a former CIA analyst who served as an Iraq policy hand at the Pentagon and ascended to acting assistant secretary of defense for international security affairs from 2015 to 2017.

And party leaders said they wanted to include representatives on the panel with an array of experience beyond military in the Defense Department policy debates.

To that end, New Mexico Rep. Deb Haaland is one of the first two Native American women elected to the Congress. Oklahoma Rep. Kendra Horn, who upset former HASC member Republican Steve Russell,

<https://www.militarytimes.com/news/pentagon-congress/2019/01/20/new-house-armed-services-committee-sees-an-influx-of-veterans-women/>

handled government affairs for the non-profit Space Foundation. Rep. Katie Hill, D-Calif., led a non-profit that provided of homes for the homeless.

New House Armed Services Committee members for the 116th Congress

Democrats

Rep. Gil Cisneros of California

Rep. Jason Crow of Colorado

Rep. Veronica Escobar of Texas

Rep. Jared Golden of Maine

Rep. Deb Haaland of New Mexico

Rep. Katie Hill of California

Rep. Kendra Horn of Oklahoma

Rep. Chrissy Houlahan of Pennsylvania

Rep. Bill Keating of Massachusetts

Rep. Andy Kim of New Jersey

Rep. Elaine Luria of Virginia

Rep. Mikie Sherrill of New Jersey

Rep. Elissa Slotkin of Michigan

Rep. Xochitl Torres Small of New Mexico

Rep. Lori Trahan of Massachusetts

Rep. Filemon Vela of Texas

Republicans

Rep. Jack Bergman of Michigan

Rep. Michael Waltz of Florida

Pentagon will hold off on transgender troops ban despite Supreme Court ruling

By Corey Dickstein

Stars and Stripes, January 23, 2019



Lesbian, Gay, Bisexual and Transgender Pride Month is celebrated during an event at the Pentagon on June 26, 2012. Department of Defense officials said on Wednesday, Jan. 23, 2019, that the Pentagon would not immediately implement a ban on transgender personnel serving in the military following a Supreme Court decision Tuesday that removed preliminary injunctions that had halted the ban for more than a year. (Chad J. McNeeley/U.S. Navy)

WASHINGTON — The Pentagon will not immediately implement President Donald Trump’s ban on transgender men and women serving in the military, the Defense Department said Wednesday, one day after the Supreme Court removed some legal roadblocks that have stalled the controversial policy.

The Supreme Court’s 5-4 decision on Tuesday removed preliminary injunctions that for more than a year halted the Pentagon from implementing the so-called “Mattis Plan,” a policy penned by former Defense Secretary Jim Mattis at Trump’s direction that would ban most transgender men and women from enlisting in the military. However, one such preliminary injunction issued by a federal judge overseeing a discrimination lawsuit in Maryland remained in place as of Wednesday, said Air Force Lt. Col. Carla Gleason, a Pentagon spokeswoman.

The Department of Justice “is seeking relief from this remaining injunction in light of the Supreme Court’s action, but at present it remains in place,” Gleason said. She stressed as of Wednesday that the Pentagon continued to operate under the Defense Department’s 2016 policy, which opened military service to transgender men and women and allowed them to enlist starting Jan. 1, 2018.

“The Department [of Defense] is consulting with the Department of Justice on next steps in the litigation,” Gleason said. “We look forward to continuing to press our case in the courts.”

A White House effort to ban transgender people from military service has been mired in confusion and litigation since Trump’s surprise announcement in July 2017 via Twitter that he would no longer allow transgender people to serve. The directive – made formal in a White House order about one month later – came without any apparent consultation among top Pentagon officials and was decried by Democratic lawmakers and advocates for transgender individuals as a political move.

Mattis’ plan was issued in March 2018 and claimed open service by transgender men and women could undermine the military’s combat readiness. It sought to exclude transgender individuals who had undergone a sex transition or were seeking to transition from their biological gender from joining the military. However, it granted exceptions for active-duty servicemembers who had already identified themselves as transgender. Officials said there were about 900 such servicemembers in the military now.

In separate statements Tuesday, the Justice Department and Pentagon lauded the Supreme Court decision. The Defense Department urged the courts to allow the Pentagon to implement its policies, saying it was “critical ... to ensure the most lethal and combat effective fighting force in the world.”

<https://www.stripes.com/news/pentagon-will-hold-off-on-transgender-troops-ban-despite-supreme-court-ruling-1.565649>

The Supreme Court's vote Tuesday followed political lines and was slammed by LGBTQ rights groups.

Lambda Legal and OutServe-SLDN, the organization that filed the first challenge to the ban in U.S. District Court in Seattle, criticized the decision as “perplexing” and disappointing.”

“For more than 30 months, transgender troops have been serving our country openly with valor and distinction, but now the rug has been ripped out from under them, once again,” Lambda Legal Counsel Peter Renn said. “We will redouble our efforts to send this discriminatory ban to the trash heap of history where it belongs.”

Court cases challenging the ban were moving forward in Washington state, California, the District of Columbia and Maryland, and a trial was slated for later this year for at least one of the cases.

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

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SEE ALSO:

[Last Court Barrier to Military Transgender Ban Likely to Fall](#) [*Military.com*, 2019-01-24]

[DOD Moves Closer to Implementing Changes to Transgender Policy](#) [*Defense.gov*, 2019-01-22]

[The Supreme Court Just Ended My Military Career](#) [*The New York Times*, 2019-01-22][OPINION]

[Supreme Court Allows Military Transgender Ban to Proceed for Now](#) [*Military.com*, 2019-01-22]

[Supreme Court allows transgender military ban to go into effect](#) [*CNN*, 2019-01-22]

[High court lets military implement transgender restrictions](#) [*The Associated Press*, 2019-01-22]

[Supreme Court allows transgender military ban to be enforced](#) [*The Hill*, 2019-01-22]

Should women be required to register for the draft?

Commission likely to recommend big changes

By Gregory Korte

USA TODAY, January 23, 2019



Army 1st Lt. Shaye Haver, center, and Capt. Kristen Griest, right, are among the female West Point alumni. (Photo: John Bazemore, AP)

ARLINGTON, Va. – Three years ago, Congress created a commission to help it answer a pair of questions: Is the Selective Service System, which requires 18-year-old men to register for a potential military draft, working?

If so, should it be expanded to include women?

The panel, more than halfway through its work, is asking even bigger questions.

Should draft registration be mandatory, voluntary or eliminated?

Should it target people with specific technical, medical or language skills, in addition to combat capability?

And should compulsory service be limited to the military, or should it include other forms of community service?

The National Commission on Military, National, and Public Service will [deliver an interim report Wednesday](#) that hints at the breadth of its charge but gives few clues as to how it's going to resolve the most controversial issues.

"Personally, I don't think we will remain with the status quo," commission Chairman Joe Heck said. "But where we end up on the spectrum is yet to be determined."

Heck, an Army Reserve brigadier general and Republican former congressman from Nevada, called the question of whether women should be required to register for the Selective Service on turning 18 "visceral."

"When we pose this question to people, it's not like they say, 'Oh, let me stop and think for a minute.' They have an answer," he said. "Either it's yes, women should have to register just on the basis of equality, or no, women should not have to register because they have a different role in American society."

In 2017, the Pentagon argued in favor of [keeping the Selective Service system – and expanding it to include women](#).

"It would appear imprudent to exclude approximately 50 percent of the population – the female half – from availability for the draft in the case of a national emergency," the Pentagon said in the report, which was released under the Freedom of Information Act.

The military said it's committed to an all-volunteer force and doesn't have plans to implement a draft. But expanding the draft to include women would help by doubling the number of recruiting leads, officials argued, and foster a sense of gender inclusion in the national defense.

The commission's review is the most expansive examination of the draft system in U.S. history. Its conclusions are only advisory; whether to implement them would be up to the president and Congress.

<https://www.usatoday.com/story/news/nation/2019/01/23/national-commission-military-public-service-congress-selective-draft-women-combat-voluntary/2619455002/>

Congress has been divided. Lawmakers created the commission in 2016 after the House refused to go along with a Senate proposal, supported by both conservative defense hawks and liberal feminists, to expand the draft to women.

President Barack Obama, in his last weeks in office, [came out in favor of a gender-neutral draft](#) in response to a question from USA TODAY.

Congress, unable to resolve the issue, did what it often does: created a commission to study the question.

With a multiyear budget of \$15 million, the 11-member panel is immune to the partial government shutdown.

The commission is taking on a debate that's been brewing for generations.

President Franklin D. Roosevelt, citing a shortage of nurses, proposed drafting women in his 1945 State of the Union Address.

The draft was suspended at the end of the Vietnam War in 1973. When President Jimmy Carter reinstated draft registration in 1980, he proposed adding women. Congress disagreed.

In 1981, the Supreme Court decided 6-3 that male-only draft registration was constitutional because women weren't eligible for most combat roles.

Last year, a federal judge in Houston ruled that the high court precedent might no longer apply because "now, women can serve in combat roles."

That decision kept alive a lawsuit brought by the National Coalition for Men, which represents two draft-eligible men challenging the sex-based draft.

"We take no position on whether there should or should not be Selective Service," said the men's lawyer, Marc Angelucci. "We all would have disagreements about that.

"What we are concerned about is the sex discrimination against men. And we oppose that whether or not there's a draft."

Angelucci said he doesn't trust Congress or the commission to resolve the issue.

Neither does Edward Hasbrouck, an antiwar activist who was jailed for four months in the 1980s for refusing to register for the draft.

The prosecutor in that case: Robert Mueller, who became FBI director and is the special counsel investigating Donald Trump's presidential campaign.

"The commission was created as a stalling tactic," Hasbrouck said. "It may come back with recommendations that are completely ignored."

Hasbrouck is one of more than 25,000 people who signed a petition urging the commission to end the draft.

"I think any objective serious examination of the last 40 years of draft registration would conclude that draft registration has failed," he said. "It cannot be enforced. There's no reason to think it can be salvaged by expanding it to women."

In the 16 months since the commission was organized, it has traveled the country to solicit public input and received more than 3,000 comments. It's [accepting additional comments](#) through the end of the year.

<https://www.usatoday.com/story/news/nation/2019/01/23/national-commission-military-public-service-congress-selective-draft-women-combat-voluntary/2619455002/>

One theme of many of those comments is a desire for some form of all-inclusive service in which military service would be just one option. Some of those alternatives already exist: the Peace Corps, AmeriCorps, City Year and Teach for America.

That idea, too, is fraught with constitutional concerns.

The commission met with legal scholars in October. Heck said they split on whether the government can require compulsory public service.

The 13th Amendment – the one that ended slavery – prohibited "involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted."

Heck would not rule out some form of all-inclusive service, such as devoting the last semester of high school to public service. The panel is looking at ways to promote a culture of service in which, even if it wasn't compulsory, Americans would be expected to devote at least part of their young adulthood in service.

"Our goal is to create what we call a universal *expectation* of service," Heck said. "So that over the course of one or two generations ... we inculcate this ethos of service so that the person who *doesn't* serve is the odd person out."

.....
SEE ALSO:

[Proposal Could Require Women to Register for the Draft](#) [*Military.com*, 2019-01-23]

[Women in the military draft, or dump the system altogether? New report looks at radical options](#) [*Military Times*, 2019-01-23]

Miscellaneous

A better, safer, less expensive alternative to the new Army PT test?

By Lee Kind

Army Times, January 24, 2019



Spc. Briceton Lowrie, with 2nd Battalion, 198th Armored Regiment, conducts a deadlift during a pilot program for the Army Combat Fitness Test at Fort Bliss, Texas, April 17, 2018. The ACFT consists of six events that not only measure combat readiness but also train Soldiers to that standard while reducing injuries. (Sgt. Brittany Johnson/Army)

Is the [Army Combat Fitness Test](#) the right direction for our [Army](#), or is there a better, safer, less expensive option?

Several studies show we have a [generation of recruits](#) whose activity level is “too low to even maintain health and physical fitness,” and [unfit recruits](#) are significantly more likely to be injured and discharged early compared with healthy peers.

Furthermore, in combat, the number one reason for soldier evacuation is [musculoskeletal disorders](#) (24 percent), which far surpasses the second reason, combat injuries (14 percent).

The [ACFT events](#) unnecessarily introduce musculoskeletal injury risks to our troops. More injuries increase profiles, putting a strain on units and, ultimately, the Department of Veterans Affairs.

Whether we want to admit it or not, many units will train for the ACFT, so the test should be designed with that in mind.

To get the best fitness test, there needs to be a blend of the ultimate lab test with what is practical in the field.

The current Army Physical Fitness Test, with changes to focus on total body fitness, achieves that balance.

As an added benefit, the modified APFT is notably more cost-effective in both the short- and long-term than the ACFT, will provide a more significant predictor of success for soldiers than the current APFT, and will incur markedly fewer injuries than the proposed ACFT.

Four ideas behind the APFT

- 1. Easy administration.** The APFT can be performed almost anywhere, anytime, with minimal cost, minimal equipment, minimal administrator training, and minimal administrators, whether in garrison or deployed. To lose this ability will be a disservice to everyone.
- 2. Easy results interpretation.** The first sergeant can quickly understand an APFT score, determine areas where a soldier needs improvement, and then tailor training. One reason the APFT has fallen out of favor is it is only a 40 percent predictor of soldier success, while the ACFT provides an 80 percent prediction.
- 3. Exercise suitability.** APFT exercises are safe for all ages and sexes. Whether one is 20 or 40, the degenerative effects of age do not put the soldier at higher risk for an injury like many ACFT exercises.
- 4. Cost.** The APFT requires minimal equipment and transportation costs. Soldier injuries while in the service and VA disability claims after service are also minimal.

What's wrong with the AFCT?

- 1. Advanced exercises.** Many of the ACFT exercises are advanced exercises, whereas recruits need to start with more basic exercises to prevent injury. Difficult-to-perform ACFT exercises with weak or obese recruits equals increased injuries. Therefore, most recruits can't safely train-up for the ACFT on their own before attending basic training due to their lack of knowledge and physical conditioning.
- 2. Leg tuck.** The leg tuck unnecessarily introduces a high risk for injury, requires standardized equipment, can't safely be performed outside in cold or wet weather, and should not be performed by people who are overweight, have weak grip strength or weak core strength.
- 3. Hand release push-up.** This type of push-up puts extreme strain on shoulder joints and the rotator cuff due to the combination of quick pressure changes and may lead to a significant rise in shoulder injuries.
- 4. Deadlift.** The deadlift performed improperly with heavy weights can lead to long-term lower back injuries, knee injuries, hernias and wrist injuries.
- 5. Standing power throw.** The standing power throw becomes increasingly dangerous based on the age of the user. As bodies mature in the 30's and upward, the power throw movements increase the risk of spinal and lower back injuries, especially in people who are not in peak shape.
- 6. Administration.** The ACFT is not easy to administer in garrison or deployed environments. Heavy equipment requires storage and delivery, some equipment requires installation, and the test is weather restricted for outdoor use. Multiple administrators requiring significant training are necessary. Medical personnel should be on standby due to the substantial risk of severe injuries while performing ACFT exercises.
- 7. Equipment cost.** Multiple ACFT kits must be purchased per unit and installed at great expense. A single lane kit exceeds \$3,000. Additionally, equipment will incur significant shipping costs for deploying units. Furthermore, how do soldiers at remote locations, recruiting stations and the like prepare for the ACFT without equipment?



A soldier with the Washington National Guard positions a 10-pound medicine ball as part of the standing power throw test event during a pilot Army Combat Readiness Test Aug. 4, 2017, at Joint Base Lewis-McChord, Washington. (Stephanie Slater/Army)

APFT adjustment and training program

- 1.** Adjust the APFT to test the same categories of the ACFT: muscular endurance, muscular strength, explosive power, speed agility and cardio endurance.
- 2.** Due to the recruit pool obesity, lack of fitness, and need to start at the level of fitness where each recruit/soldier is at, it is critical to design a simple, training program anyone can follow anywhere. The trick is to incorporate a training program based on timed sets to build total body fitness initially with bodyweight exercises and then with equipment Soldiers already possess.

Modified APFT events

- 1. Push-ups.** Maintain and continue to use a point scale. To make the event more strenuous, start in the prone position. Count repetitions after the body returns to the start position or use a four-count push-up with the grader counting one through three and the test taker voicing the fourth count.

<https://www.armytimes.com/news/your-army/2019/01/24/a-better-safer-less-expensive-alternative-to-the-new-army-pt-test/>

2. Sit-ups. Maintain and continue to use a point scale. If the Army decides to replace sit-ups, replace them with the crunch exercise and use a point scale.

3. Two-mile run. Maintain and continue to use a point scale.

4. One- or two-mile power walk with 25- to 35-pound ruck, with or without body armor. Use a point scale for time. No running.

5. Five 50-yard sprints with 30-second rest intervals. Use point scale or pass/fail time hacks. Or a 60-yard shuttle Run event at 5-, 10- and 15-yard intervals. At each point, runner uses hand to touch the ground. Use points scale or pass/fail time hacks.

6. Power clean and jerk using a 25- to 35-pound ruck, with or without body armor for 10 to 15 reps. Power clean and jerk incorporates all around body strength. Use points scale or pass/fail.

In conclusion, while there is no perfect fitness test, the modified APFT will save the government millions in the short-term, billions in the long-term, be safer to take and train for, will better prepare soldiers for their jobs, and can be performed in garrison or deployed environments.

Additionally, by incorporating an individualized program, recruits can get in shape safely at their own pace before basic training, and soldiers will be able to stay in shape in all environments.

Yes, our Army can get physically fit in a better, safer, and less expensive manner — meeting the goals of the ACFT but without the risk.

Lee Kind is a doctoral student at Regent University and a former Army captain with service in the 82nd Airborne Division and the 2nd Infantry Division, with deployments to Iraq and Kosovo. Kind is also the best-selling author of “MAX Out the Army, Navy, Marine, and Air Force Physical Fitness and Combat Fitness Tests” and other military leadership books. Reach Kind at atw82d@yahoo.com.

More Army Combat Arms Specialties Will Soon See Extended Training

By Oriana Pawlyk

Military.com, January 24, 2019



As part of the pilot to extend one-station unit training for Infantry Soldiers from 14 to 22 weeks, trainees received instruction on the M240-series medium machine gun Sept. 21, 2018 at Malone Range complex, at Fort Benning, Georgia. (U.S. Army/Patrick Albright)

The Army is looking to extend entry-level training for armor, cavalry and other combat arms specialties as early as this fall, according to the service's top civilian.

If the pilot program is successful, other units such as engineers and artillery may also see an expanded curriculum, Army Secretary Mark Esper said Thursday.

But it'll take some effort before the Army goes through with the new changes, he said.

"One of the things we have to do to do this is shift a lot of noncommissioned officers back into [Training and Doctrine Command] to make sure we get the ratios right," Esper said in a media roundtable with reporters at the Pentagon.

He added, "That's a big change for us, and it's manpower-driven."

The new pilot program is similar to the one that extended infantry One Station Unit Training (OSUT) from 14 to 22 weeks.

"We're expanding the infantry basic now. It's really proved itself out," Esper said. "Depending on how that proves out, we'll likely make that par across the entire Army."

Esper saw the test program at Fort Benning, Georgia, in November, and received positive feedback.

"Those soldiers had exceptionally high [Army Physical Fitness Test] scores -- [between the] 260 to 270 range, and their attrition was half of what previous classes were," he said. "And their tactical performance was exceptional."

Esper continued, "It's a combination of not just extending Infantry basic training from 14 to 22 weeks where you have more time, but also reduce the ratio of drill sergeants to soldiers, and I think we're at about 12-to-one compared to 20-plus-to-one."

Soldiers can receive a more personal training experience, which adds to how they develop and learn their core skills. As a result, the training environment is more manageable and streamlined, given that "these kids were doing physical fitness twice a day in some cases," he said.

In September, Maj. Gen. Gary Brito, commander of the Army's Maneuver Center of Excellence at Benning, said the Army had received guidance to begin looking at other units that could benefit from the OSUT expansion, such as engineers at Fort Leonard Wood, Missouri.

"This could expand, and it most likely will, to some of the other combat MOSs over the next couple of years, to transform out to 22 weeks for all," Brito said during the annual Association of the United States Army conference.

<https://www.military.com/daily-news/2019/01/24/more-army-combat-arms-specialties-will-soon-see-extended-training.html>

Recruits in infantry OSUT traditionally go through nine weeks of Basic Combat Training and about four-and-a-half weeks of infantry advanced individual training.

The pilot program adds eight weeks of training time to hone marksmanship, land navigation and other key combat skills.

It follows an [Army-wide redesign of Basic Combat Training](#) earlier designed to instill more discipline in young soldiers after leaders from around the Army complained that new soldiers were displaying a lack of obedience and poor work ethic.

-- Oriana Pawlyk can be reached at oriana.pawlyk@military.com. Follow her on Twitter at [@Oriana0214](#).

Trump administration asks Supreme Court to quickly take up census citizenship question

By Robert Barnes

The Washington Post, January 22, 2019

The Trump administration asked the Supreme Court on Tuesday to bypass its normal procedures and decide quickly whether a question about citizenship can be placed on the 2020 Census.

Last week, U.S. District Judge Jesse M. Furman of New York [ordered](#) the administration to [stop](#) its plans to add the question to the survey. Furman said Commerce Secretary Wilbur Ross broke a “veritable smorgasbord” of federal rules by overriding the advice of career officials who said including the citizenship question was likely to cut down the response rate and make the census less accurate.

Normally, the Justice Department’s next stop would be the U.S. Court of Appeals for the 2nd Circuit. But Solicitor General Noel J. Francisco said that would not leave enough time for a final ruling from the Supreme Court.

“The government must finalize the census questionnaire by the end of June 2019 to enable it to be printed on time,” he [told the court](#). “It is exceedingly unlikely that there is sufficient time for review in both the court of appeals and in this Court by that deadline.”

Citing a Supreme Court rule, Francisco said the “case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court.” He said he intends to ask the court to hear oral arguments in April or at a special session in May.

Plaintiffs in the New York trial include 18 states and several cities and jurisdictions, along with civil rights groups. The trial addressed two of seven lawsuits that arose from Ross’s March decision to add the citizenship question. A trial over the question is underway in California, and another is beginning in Maryland.

Opponents say asking about citizenship would reduce response rates in immigrant communities, possibly affecting congressional redistricting and the distribution of federal funding. The government said the question was necessary to enforce the Voting Rights Act.

In Furman’s ruling, he said Congress prohibited the commerce secretary from adding a question to census forms if the information was available in some other way. Such data is available from existing administrative records, he said.

Furman said that in a “startling number of ways,” Ross’s explanation for his decision was “unsupported by, or even counter to, the evidence.”

For instance, Ross said that the impetus for adding the question came from the Justice Department, which needed information to enforce voting rights laws. But the record showed that Ross had wanted to add the question before the Justice Department made any request and that it was the Commerce Department that began efforts to add the question.

The Supreme Court already had scheduled a hearing on one aspect of the case. The plaintiffs wanted to depose Ross about his reasons for adding the question. But the Supreme Court blocked that in October. In November, it said the trial in Furman’s court could go forward and agreed to consider the legal questions about forcing a high-ranking official to be questioned about motivation.

https://www.washingtonpost.com/politics/courts_law/trump-administration-asks-supreme-court-to-quickly-take-up-census-citizenship-question/2019/01/22/93734014-1e73-11e9-8e21-59a09ff1e2a1_story.html

But that question seems less important now, and the court last week removed the case from its Feb. 19 docket.

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SEE ALSO:

[Justice Department to ask Supreme Court to review 2020 Census question on citizenship](#) [*CBS News*, 2019-01-24]

[Judge hearing testimony on 2020 census citizenship question](#) [*The Associated Press*, 2019-01-23]

[Trump administration to ask Supreme Court to decide census dispute](#) [*Reuters*, 2019-01-22]

[Trump administration asks Supreme Court to decide on 2020 census citizenship question](#) [*The Hill*, 2019-01-22]

[U.S. Supreme Court scraps arguments on Trump census appeal](#) [*Reuters*, 2019-01-18]

'Up or out' is on its way out, and it's time for 'perform or out,' Army secretary says

By Meghann Myers

Army Times, January 24, 2019



Cpl. Noel Williams pins private first class rank on Zachary Grasee. The Army is working toward a promotions system that values talent and performance over time in service. (Tani Murphy/Army)

[Army Secretary Mark Esper](#) is looking to make [talent management](#) his top priority in 2019, he told Army Times on Thursday.

As Army readiness continues on a steady uptick, and the infrastructure for a modernization push is in place with Army Futures Command, the service's top civilian is devoting more attention to a task force stood up specifically to help the Army through an overhaul of its [promotions](#), assignments and other processes that affect soldiers' careers.

"My view is, we're going to move away from 'up or out,'" he said. "My shorthand is 'perform or out.'"

Over the past several years, the Army has been making overtures about the importance of talent management, of getting the best qualified and highest performing soldiers into the positions that best fit their skills and knowledge, rather than simply moving personnel around to fill openings based on who's up for new orders first.

The service took a step in that direction with beta testing of the Integrated Personnel and Pay System, which is underway with the Pennsylvania National Guard.

"The system, as I envision it, is going to be a market-based system, where talent is managed at echelon," he said.

Maybe the top and bottom 10 percent to 15 percent of the ranks will be centrally managed according to the needs of the Army, he said.



Army Secretary Mark Esper talks to soldiers during a troop visit to Europe. (John Martinez/Army)

But that marketplace idea is available with officers already, to a certain extent, with the Assignment Interactive Module.

"There's a fairly good percentage of officers today who can go online and see what's available," he said. "But we need to make that the standard."

Congress' reshaping of the Defense Officer Personnel Management Act with the 2019 National Defense Authorization Act moved the needle yet again.

"Some of their focus this past year has been in terms of making sure we take full advantage of the changes in law that the Congress gave us, in terms of officers," Esper said.

<https://www.armytimes.com/news/your-army/2019/01/24/up-or-out-is-on-its-way-out-and-its-time-for-perform-or-out-army-secretary-says/>

The change gives the services latitude to retain some highly specialized officers rather than force separations because they don't promote "on time," bring in civilian experts at ranks up to O-6, and disregard year groups in order to promote officers who are performing ahead of their peers.

"I need to make sure we tell the force what to expect, what a successful career looks like, what are the ground rules," Esper said.

Esper met with the Talent Management Task Force recently, he said, and he set an April 1 deadline for a list of its goals and the plan to meet them, he said. The plan is to have an order out by the end of the year, he added, along with the beginnings of implementation.

"If I can hit those marks, I'll be very satisfied," he said.

https://www.washingtonpost.com/local/virginia-politics/virginia-house-panel-nixes-era-bills-but-the-fight-goes-on/2019/01/22/2800ee98-1e51-11e9-8b59-0a28f2191131_story.html

Virginia House panel nixes ERA bills, in a major blow for feminist groups

By Laura Vozzella

The Washington Post, January 22, 2019



Virginia Del. Jennifer D. Carroll Foy (D-Prince William) cheers on Equal Rights Amendment advocates outside the Capitol in Richmond. (Steve Helber/Associated Press)

RICHMOND — Legislation to make Virginia the 38th state to ratify the federal Equal Rights Amendment [failed](#) to clear a GOP-controlled House subcommittee Tuesday, a blow to advocates who thought they had enough Republicans — and momentum — on

their side.

The vote might not be the last word in the long-running battle over the amendment, which would enshrine in the Constitution a prohibition on discrimination based on sex. ERA supporters vowed to try again with the full committee, which could choose to resurrect the legislation when it meets Friday.

Those in favor of the legislation believe it could win approval in Richmond if given a chance this year, with Democrats closing in on control of the legislature and every lawmaker up for reelection in November. Ratification by 38 states would be required for the amendment to become law, although opponents note that the federal deadline for passage expired years ago.

“We’re not out of moves,” said Eileen Davis, founder of Women-Matter, one of many feminist organizations pushing for a vote. “And if they continue to stonewall, it’s at their own peril.”

Critics of the amendment are not letting down their guard either, however.

“When you deal with opposition that use any and all methods to force their issue, including resurrecting a dead amendment, you take no victory for granted,” said Victoria Cobb, president of the conservative Family Foundation of Virginia. She promised to fight any efforts to revive the four bills voted down Tuesday.

A majority of lawmakers in both the House and the Senate — both narrowly controlled by Republicans — signed on as sponsors of ERA bills this year. The same was true last year, but that legislation never got out of committee and to a floor vote in either chamber.

ERA advocates were more hopeful this year, with Republicans desperate to win back suburban women, who in recent election cycles have deserted the party in droves.

An ERA bill sponsored by Sen. Glen H. Sturtevant Jr. (R-Richmond) passed the full Senate last week, with seven Republicans joining Democrats on a 26-to-14 vote.

Two Republican delegates, Christopher P. Stolle (Virginia Beach) and Roxann L. Robinson (Chesterfield) signed on as sponsors, and a third, David E. Yancey (Newport News), supported it in a floor speech this week.

At the House subcommittee hearing Tuesday, Sturtevant said his bill supported “a fundamental American value” of “treating people equally based on their immutable characteristics.” Three House Democrats also presented bills of their own.

https://www.washingtonpost.com/local/virginia-politics/virginia-house-panel-nixes-era-bills-but-the-fight-goes-on/2019/01/22/2800ee98-1e51-11e9-8b59-0a28f2191131_story.html

But opponents came out in force, arguing that passage of the ERA would make it harder to limit abortions and illegal to separate the sexes in bathrooms, college dormitories and school sports — something supporters dispute.

Supporters also contend that Congress could extend the deadline for passage of the amendment if enough states have ratified it.

All four Republicans on Subcommittee No. 1 of the House Privileges and Elections Committee voted to kill the ERA bills Tuesday at a packed early-morning hearing, while the two Democrats on the subcommittee — Dels. Mark D. Sickles (Fairfax) and Schuyler T. VanValkenburg (Henrico) — voted to advance them.

The subcommittee's vote is technically a recommendation to the full panel, which typically would not bring up anything the subcommittee rejects for another vote or hearing.

But Sickles and VanValkenburg expressed hope that the full committee will revive the legislation.

“Everything can be heard if the chairman agrees to hear it,” Sickles said. “My assumption is, with the attention and energy behind this, that we will hear it at full committee on Friday, where we'll need 12 votes to pass it out.”

Cobb said it would be “unusual for the committee to have a duplicative hearing, because it invalidates the time and attention the bill already received.”

None of the 12 Republicans on the 22-member committee has signed on as a sponsor of the ERA legislation this year.

Emotions ran high at Tuesday's hearing, with supporters calling out “Shame!” after the bills failed.

“We don't want special treatment. We just want to be in the Constitution . . . just like everybody else,” Davis, who has been pushing for the amendment for over 10 years, told reporters afterward.

Hours later on the House floor, subcommittee Chairwoman Margaret B. Ransone (R-Westmoreland) called the hearing “the most disappointing and discouraging event I have ever experienced during my time in this body.”

She said women covered their daughters' ears rather than let them hear her express a conservative woman's point of view.

“What I saw this morning truly broke my heart,” Ransone said. She noted her own success in reaching the House of Delegates and that of other women in professional jobs, as well as mothers who run households.

What message had she wanted to send girls at the hearing?

“With hard work and determination and a big heart, nothing is going to stop you either,” she said.

Gregory S. Schneider contributed to this report.



SEE ALSO:

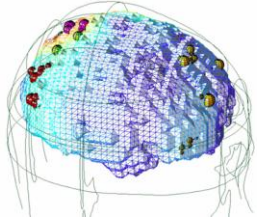
[New momentum for Equal Rights Amendment](#) [*The Hill*, 2019-01-22]

Zap: How Electric Therapy Is Curing Navy SEALs of PTSD ... And Could Remake Brain Science

Hundreds of vets have tried out an experimental new treatment that could change how the world addresses mental disorders.

By Patrick Tucker

Defense One, January 20, 2019



A data visualization showing different regions of brain in terms of electrical activity, gathered via EEG.

Tony didn't know what to expect when he walked into the Brain Treatment Center in San Diego, California, last spring. The former Navy SEAL only knew that he needed help. His service in Iraq and Afghanistan was taking a heavy toll on his mental and physical wellbeing. He had trouble concentrating, remembering, and was given to explosive bursts of anger. "If somebody cut me off driving, I was ready to kill 'em at the drop of a hat," he said. And after he got into a fistfight on the side of a California road, his son looking on from the car, he decided he was willing to try anything — even an experimental therapy that created an electromagnetic field around his brain.

What Tony and several other former U.S. Special Operations Forces personnel received Newport Brain Research Laboratory, located at the Center, was a new treatment for brain disorders, one that might just revolutionize brain-based medicine. Though the FDA clinical trials to judge its efficacy and risks are ongoing, the technique could help humanity deal with a constellation of its most common mental disorders — depression, anxiety, aggressiveness, attention deficit, and others—and do so without drugs. And if its underpinning theory proves correct, it could be among the biggest breakthroughs in the treatment of mental health since the invention of the EEG a century ago.

At the lab, Tony (whose name has been changed to protect his identity) met Dr. Erik Won, president and CEO of the Newport Brain Research Laboratory, the company that's innovating Magnetic EEG/ECG-guided Resonant Therapy, or MeRT. Won's team strapped cardiac sensors on Tony and placed an electroencephalography cap on his skull to measure his brain's baseline electrical activity. Then came the actual therapy. Placing a flashlight-sized device by Tony's skull, they induced an electromagnetic field that sent a small burst of current to his brain. Over the course of 20 minutes, they moved the device around his cranium, delivering jolts that, at their most aggressive, felt like a firm finger tapping.

For Tony, MeRT's effects were obvious and immediate. He walked out of the first session to a world made new. "Everything looked different," he told me. "My bike looked super shiny."

He began to receive MeRT five times a week— each session lasting about an hour, with waiting room time — and quickly noticed a change in his energy. "I was super boosted," he said. His mood changed as well.

Today, he admits that he still has moments of frustration but says that anger is no longer his "go-to emotion." He's developed the ability to cope. He still wants help with his memory, but his life is very different. He's taken up abstract painting and welding, two hobbies he had no interest in at all before the therapy. He's put in a new kitchen. Most importantly, his sleep is very different: better.

Tony's experience was similar to those of five other special-operations veterans who spoke with *Defense One*. All took part in a double-blind randomized clinical trial that sought to determine how well MeRT

<https://www.defenseone.com/technology/2019/01/zap-how-electric-therapy-curing-navy-seals-ptsd-and-could-remake-brain-science/154301/>

treats Persistent Post-Concussion Symptoms and Post-Traumatic Stress Disorder, or PTSD. Five out of the six were former Navy SEALs.

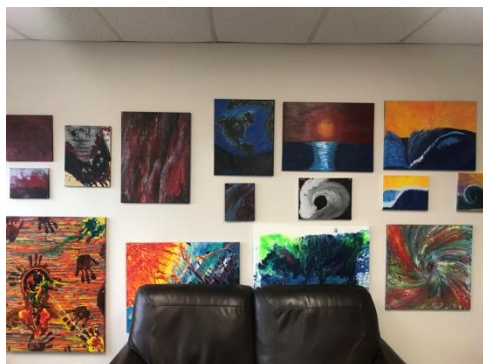
In many ways, SEALs represent the perfect test group for experimental brain treatment. They enter the service in superb health and then embark on a course of training that heightens mental and physical strength and alertness. Then comes their actual jobs, which involve a lot of “breaching”: getting into a place that the enemy is trying to keep you out of. It could be a compound in Abbottabad, Pakistan—or every single door in that compound. Breaching is so central to SEAL work that it’s earned them the nickname [“door kickers.”](#) But it often involves not so much kicking as explosives at closer-than-comfortable range. “I got blown up a lot in training,” says Tony, and a lot afterwards as well. Put those two factors together and you have a population with a high functioning baseline but with a lot of incidents of persistent post-concussive syndrome, often on top of heavy combat-related PTSD and other forms of trauma.

One by one, these former SEALs found their way to Won’s lab. One — let’s call him Bill — sought to cure his debilitating headaches. Another, Ted, a SEAL trainer, had no severe symptoms but wanted to see whether the therapy could improve his natural physical state and performance. A fourth, Jim, also a former SEAL, suffered from severe inability to concentrate, memory problems, and low affect, which was destroying his work performance. “I was forcing myself to act normal,” Jim said. “I didn’t feel like I was good at anything.”

Yet another, a former member of the Air Force Security Forces named Cathy, had encountered blasts and a “constant sound of gunfire” during her deployments to Iraq and Afghanistan. She suffered from memory problems, depression, anger, bouts of confusion, and migraines so severe she had to build a darkroom in her house.

Like Cathy, the rest had difficulty sleeping. Even Ted, who had no severe PTSD-related problems, reported that he “slept like crap,” before the treatment began.

All said that they saw big improvements after a course of therapy that ran five days a week for about four weeks. Bill reported that his headaches were gone, as did Cathy, who said her depression and mood disorders had lessened considerably. Jim’s memory and concentration improved so dramatically that he had begun pursuing a second master’s degree and won a spot on his college’s football team. Ted said he was feeling “20 years younger” physically and found himself better able to keep pace with the younger SEALs he was training. All of it, they say, was a result of small, precisely delivered, pops of electricity to the brain. Jim said the lab had also successfully treated back and limb pain by targeting the peripheral nervous system with the same technique.



Inside the Brain Treatment Center in San Diego, the location of the Newport Brain Research Lab, a wall displays paintings of patients who have undergone MeRT therapy, the tone, mood, and control in the paintings evolves as the patient continues through the treatment.

Won, a former U.S. Navy Flight Surgeon, and his team have treated more than 650 veterans using MeRT. The walls of the lab are adorned with acrylic paintings from veterans who have sought treatment. The colors, themes, and objects in the paintings evolve, becoming brighter, more optimistic, some displaying greater motor

control, as the painter progresses through the therapy.

<https://www.defenseone.com/technology/2019/01/zap-how-electric-therapy-curing-navy-seals-ptsd-and-could-remake-brain-science/154301/>

The lab is about one-third of the way through a [double-blind clinical trial](#) that may lead to FDA approval, and so Won was guarded in what he could say about the results of their internal studies. But he said that his team had conducted a separate randomized trial on 86 veterans. After two weeks, 40 percent saw changes in their symptoms; after four weeks, 60 did, he said.

“It’s certainly not a panacea,” said Won. “There are people with residual symptoms, people that struggle...I would say the responses are across the board. Some sleep better. Some would say, very transformative.” (Won doesn’t even categorize the treatment as “curing,” as that has a very specific meaning in neurology and mental health, so much as “helping to treat.”)

Won believes the question might ultimately be not “Does MeRT work?” but “What therapies can it replace?”

“I think, in the future, there will be a discussion about whether this should be first-line management. What can we do to address the functional issues at play? There’s a whole lot of science to do before we get there,” he said.

Your Brain is Electric

The idea that electricity, properly administered, could treat illness goes back to 1743 when a German physician named Johann Gottlob Kruger of the University of Halle successfully treated a harpsichordist with arthritis via electrical stimulation to the hand. John Wesley, the father of Methodism, also experimented with electricity as a therapeutic and declared it “[The nearest an Universal medicine of any yet known in the world.](#)”

But the idea remained mostly an idea with no real science to back it up, until the 20th century.

Enter Hans Berger, a German scientist who wanted to show that human beings were capable of telepathy via an unseen force he referred to as “psychic energy.” He believed this energy derived from an invisible relationship between blood flow, metabolism, emotion, and the sensation of pain and thought that if he could find physical evidence that psychic energy existed, perhaps humanity could learn to control it.

To test his theory, he needed a way to record the brain’s electrical activity. In 1924, he applied a [galvanometer](#) a tool originally built to measure the heart’s electrical activity, to the skull of a young brain-surgery patient. The galvanometer was essentially a string of silver-coated [quartz](#) filament flanked by magnets. The filament would move as it encountered electromagnetic activity, which could be graphed. Berger discovered that the brain produced electrical oscillations at varying strengths. He dubbed the larger ones, of 8 to 12 Hz, the alpha waves, the smaller ones beta waves, and named the graphing of these waves an electroencephalogram, or EEG.

Berger’s telepathy theories never panned out, but the EEG became a healthcare staple, used to detect abnormal brain activity, predict potential seizures, and more.

The separate notion that electricity could be used to treat mental disorder entered wide medical practice with the invention of electroconvulsive therapy, or ECT, in Italy in the 1930s. ECT — more commonly called [shock therapy](#) — used electricity to induce a seizure in the patient. Its use spread rapidly across psychiatry as it seemed to not only meliorate depression but also to temporarily pacify patients who suffered from psychosis and other disorders. Before long, doctors in mental institutions were prescribing it commonly to subdue troublesome patients and even as a “cure” for homosexuality. The practice soon became associated with institutional cruelty.

<https://www.defenseone.com/technology/2019/01/zap-how-electric-therapy-curing-navy-seals-ptsd-and-could-remake-brain-science/154301/>

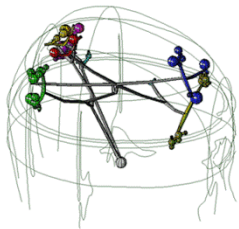
In the 1990s, a handful of researchers, independent of another, realized that electricity at much lower voltages could be used to help with motor function in [Parkinson's patients](#) and as an aid for depression. But there was a big difference between their work and that of earlier practitioners of ECT: they used magnetic fields rather than jolts of electricity. This allowed them to activate brain regions without sending high currents through the skull. Seizures, it seemed, weren't necessary.

In 2008, researchers began to experiment with what was then called transcranial magnetic stimulation to treat PTSD. Since then, it's been approved as a treatment for depression. Won and his colleagues don't use it in the same way that doctors do when they're looking for something simple and easy to spot, like potential signs of a seizure or head trauma. Won uses EEG/ECG biometrics to find the subject's baseline frequency, essentially the "normal" state to return her or him to, and also to precisely target the areas of the brain that will respond to stimulation in the right way.

YOU Have a Signature. Your Signature is YOU

No two people experience mental health disorders in the same way. Some PTSD sufferers have memory problems; others, depression; still others, uncontrollable anger. But people that are diagnosed with depression [are more likely](#) to suffer from another, separate mental health issue, such as anxiety, attention deficit, or something else.

*A data visualization of brain electrical activity mapped via EEG.
(Courtesy of the Newport Brain Research Lab)*



The theory that underpins MeRT posits that many of these problems share a common origin: a person's brain has lost the beat of its natural information-processing rhythm, what Won calls the "dominant frequency."

Your dominant frequency is how many times per second your brain pulses alpha waves. "We're all somewhere between 8 and 13 hertz.

What that means is that we encode information 8 to 13 times per second. You're born with a signature. There are pros and cons to all of those. If you're a slower thinker, you might be more creative. If you're faster, you might be a better athlete," Won says.

Navy SEALs tend to have higher-than-average dominant frequencies, around 11 or 13 Hz. But physical and emotional trauma can disrupt that, causing the back of the brain and the front of the brain to emit electricity at different rates. The result: lopsided brain activity. MeRT seeks to detect arrhythmia, find out which regions are causing it, and nudge the off-kilter ones back onto the beat.

"Let's just say in the left dorsal lateral prefrontal cortex, towards the front left side of the brain, if that's cycling at 2 hertz, where we are 3 or 4 standard deviations below normal, you can pretty comfortably point to that and say that these neurons aren't firing correctly. If we target that area and say, 'We are going to nudge that area back to, say, 11 hertz,' some of those symptoms may improve," says Won. "In the converse scenario, in the right occipital parietal lobe where, if you've taken a hit, you may be cycling too fast. Let's say it's 30 hertz. You're taking in too much information, oversampling your environment. And if you're only able to process it using executive function 11 times per second, that information overload might manifest as anxiety."

If the theory behind MeRT is true, it could explain, at least partially, why a person may suffer from many mental-health symptoms: anxiety, depression, attention deficits, etc. The pharmaceutical industry treats

<https://www.defenseone.com/technology/2019/01/zap-how-electric-therapy-curing-navy-seals-ptsd-and-could-remake-brain-science/154301/>

them with separate drugs, but they all may have a similar cause, and thus be treatable with one treatment. That, anyway, is what Won's preliminary results are suggesting.

"You don't see these type of outcomes with psychopharma or these other types of modalities, so it was pretty exciting," he said.

There are lots of transcranial direct stimulation therapies out there, with few results to boast of. What distinguishes MeRT from other attempts to treat mental disorders with electrical fields is the use of EEG as a guide. It's the difference between trying to fix something with the aid of a manual versus just winging it.

If the clinical trials bear out and the FDA approves of MeRT as an effective treatment for concussion and/or PTSD, many more people will try it. The dataset will grow, furthering the science. If that happens, the world will soon know whether or not there is a better therapeutic for mood and sleep disorders than drugs; and a huge portion of the pharmaceutical industry will wake up to earth-changing news.

But there's more. Won believes that MeRT may have uses for nominally healthy brains, such as improving attention, memory, and reaction time, as Ted discovered. It's like the eyesight thing, the sudden, stark visual clarity. "These were unexpected findings, but we're hearing it enough that we want to do more studies."

Performance enhancement is "not something that we're ardently chasing," says Won. "Our core team is about saving lives. But so many of our veterans are coming back asking."

Already, there's evidence to suggest that it could work. "What we've noticed in computerized neuro-psych batteries is that reaction times improve. Complex cognitive processing tasks can improve both in terms of speed to decision and the number of times you are right versus wrong. Those are all things we want to quantify and measure with good science," he says.

What is one person's therapy, in the years ahead, could be another person's mental health regimen. Signs of that future are already here. Like so many strange portents, their origin is the tech field.

More and more high-level executives, including at technology companies, are seeking him out, asking to be strapped in and zapped for a few weeks. "That's been a recent evolution. There's a company" — he declined to name it — "a lot of programmers, engineers, etc. ... One of their C-suite members got treatment and was so blown away that they want all of their key team members to get it... They're ruthlessly competitive... They want an edge."

So [does the American military](#).

Misconduct

Court-martial: 35 years for airman who killed roommate

The Associated Press, January 22, 2019

SHREVEPORT, La. (AP) — A court-martial in Louisiana has sentenced a 22-year-old airman to 35 years in prison for killing his roommate in Guam last year.

The seven-officer panel sentenced Isaiah Edwards on Tuesday in the March 27 stabbing death of 20-year-old Bradley Hale, news agencies reported.

Edwards will be dishonorably discharged from the Air Force.

Both men were airmen and electronic warfare journeymen stationed at Barksdale Air Force Base in north Louisiana. They were deployed to Guam last year with the 2nd Aircraft Maintenance Squadron.

Edwards said it was self-defense. He testified the two men got into a fight during which Hale picked up his knife, and, afraid that Hale would stab him, he got the knife back and stabbed Hale in the neck.

Prosecutors said the attack was unprovoked, that Hale was stabbed repeatedly and Edwards tried to wash off Hale's blood before calling for help.

First responders testified they had to break a window to get into the men's room, because the door was locked. Senior Airman Charles Jordan, a suitemate, testified that he woke to screams early March 27, went in through a shared bathroom and saw Edwards on top of Hale on the ground.

The officers convicted Edwards and began sentencing Thursday. After a four-day recess, they resumed Tuesday.

Prosecutors argued for a life sentence.

The family wanted a longer sentence, but at least Edwards got more than the defense request of less than 10 years, Hale's mother, Charla Hale, [told](#) The Times. Now that the trial is over, she said, the family can fully grieve.

Hale's father, Rodney Hale, [told](#) KTBS-TV he's also dissatisfied with Edwards' sentence.

"I wished it was without parole, but I am not the jury. I don't feel he should have any less time than my son because my son does not get to live to see everything there is in life," he said.

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SEE ALSO:

[Barksdale airman sentenced to 35 years for killing roommate](#) [*Shreveport Times*, 2019-01-22]

[Airman found guilty in murder of roommate in Guam](#) [*Air Force Times*, 2019-01-18]

Ex-Chicago policeman sentenced to nearly seven years in black teen's death

By Suzannah Gonzales and Robert Chiarito

Reuters, January 18, 2019

CHICAGO - White former Chicago police officer Jason Van Dyke was sentenced on Friday to nearly seven years in prison for shooting black teen Laquan McDonald to death in 2014 in a landmark case that highlighted racial tensions in America's third-biggest city.

After a jury convicted Van Dyke, 40, of second-degree murder last fall, Cook County Circuit Court Judge Vincent Gaughan sentenced him to 81 months in prison and said he would have to serve at least two years before he was eligible for parole.

Activists wanted a longer sentence. Van Dyke could have received up to 20 years in prison for second-degree murder and up to 30 years for each of 16 counts of aggravated battery - one count for each shot he fired at 17-year-old McDonald, who was carrying a knife.

During sentencing, Van Dyke sat expressionless, unshaven and wearing a yellow-orange jail uniform. In a statement he read before the sentence, Van Dyke, said he was scared of McDonald and called the shooting "the worst day of my life."

"The last thing I wanted to do was shoot Laquan McDonald."

Prosecutor Joseph McMahon, who had sought between 18 and 20 years, said he was satisfied with the sentence. "There's nothing to celebrate here. ... There is no good outcome. This is a tragedy on so many different levels," McMahon said.

The verdict in October marked the first time an on-duty Chicago police officer was criminally convicted for the killing of a black person and touched off celebratory street demonstrations in Chicago.

The release of a police dashboard camera video, compelled by a lawsuit more than a year after the Oct. 20, 2014, shooting, ignited protests.

The ensuing firestorm over the case prompted the dismissal of the city's police superintendent and calls for Chicago Mayor Rahm Emanuel to resign. Emanuel is not seeking a third term in next month's mayoral election.

His office on Friday called for unity and said work to reform the Chicago Police Department would continue.

VIDEO KEY TO CASE

Police killings of mostly unarmed black men and teens elsewhere in the United States helped fuel the Black Lives Matter movement and were a topic of the 2016 U.S. presidential campaign.

Gaughan did not sentence Van Dyke for the aggravated battery conviction, explaining second-degree murder was the more serious crime.

The hearing came a day after another judge acquitted three of Van Dyke's former police colleagues of conspiring to protect him after he killed McDonald, saying the prosecution lacked evidence.

<https://www.reuters.com/article/us-chicago-police/ex-chicago-policeman-sentenced-to-nearly-seven-years-in-black-teens-death-idUSKCN1PC131>

Prosecutors showed the video of the shooting repeatedly during Van Dyke's three-week trial. Jurors said they faulted Van Dyke for escalating the incident when he could have waited for an officer with a non-lethal Taser weapon.

The altercation began with a call that a knife-wielding man was trying to break into trucks to steal radios. Van Dyke argued that the angle of the video did not show his point of view.

Prosecution witnesses testified that Van Dyke was violent and swore at them during traffic stops. State witness Edward Nance, who is black, said through tears he had required surgery for both shoulders after Van Dyke pulled him over and slammed him against his car in 2007. Nance was later awarded \$350,000 in a federal lawsuit over the incident.

Van Dyke's relatives described the former officer as a great father and husband, gentle and not racist.

Reporting by Suzannah Gonzales and Robert Chiarito in Chicago; Editing by Caroline Stauffer, Sonya Hepinstall, James Dagleish and Cynthia Osterman

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SEE ALSO:

[Judge acquits Chicago policemen in conspiracy trial](#) [Reuters, 2019-01-17]

How the court-martial against the Fitz's former CO was thrown into disarray this week

By Geoff Ziezulewicz

Navy Times, January 23, 2019



Cmdr. Bryce Benson was in charge of the Fitzgerald when it collided with a merchant vessel last June, killing seven sailors. (Navy)

The court-martial of the former skipper of the guided-missile destroyer [Fitzgerald](#) was tossed into disarray Tuesday when a military judge ruled that the admiral who brought charges against [Cmdr. Bryce Benson](#) failed to remain neutral in his case.

For now, the decision scraps charges brought against Benson last year because the four-star disqualified himself as a convening authority with his “improper referral,” judge Capt Jonathan T. Stephens wrote in his opinion.

“The Navy is reviewing the court’s ruling and assessing legal options,” service spokesman Lt. Cmdr. Daniel Day said in an email to Navy Times. “All future action will be in the best interest of justice.”

The flag at fault is [Adm. James F. Caldwell](#), the head of the Navy’s [Nuclear Propulsion Program](#) and a staffer under [Chief of Naval Operations Adm. John Richardson](#), a fellow submariner.

CNO named him as the [“Consolidated Disposition Authority.”](#) or CDA, to mete out discipline for both the June 17, 2017 collision of the Fitz and commercial container vessel ACX Crystal in a bustling maritime corridor off the coast of Japan and a similar disaster near Singapore two months later involving the destroyer John S. McCain and a civilian tanker.

Seven American sailors drowned in the Fitzgerald accident and 10 were killed on the McCain.

Benson’s defense attorney, Lt. Cmdr. Justin Henderson, applauded Tuesday’s ruling.

“Our system’s rules...are designed to guarantee the fundamental right to a fair trial,” Henderson said. “We are glad the military judge saw this issue our way, and we await a thoughtful and just response from senior Navy leadership.”

Henderson continues to call on the Navy to boot the two charges against Benson — dereliction in the performance of duties through negligence resulting in death and improper hazarding of a vessel — because of public comments uttered by Navy leaders that he argues have scuttled any chance [for the Fitz’s ex-CO to get a fair trial.](#)

In his ruling, judge Stephens indicated that Caldwell’s problems began during administrative disciplinary hearings on Jan. 25, 2018 targeting Benson’s executive officer, [Cmdr. Sean Babbitt](#), and Command Master Chief Brice Baldwin, the senior enlisted sailor on board the Fitz during the collision.

During those non-judicial punishment proceedings and a hearing involving an unnamed third Fitz officer, Caldwell asked questions “designed to gather evidence” against Benson, Stephens determined.

That shifted Caldwell from a neutral arbiter of facts into the role of an accuser.

“ADM Caldwell asked specific questions about (Benson), at least two of which were at the behest of trial counsel,” Stephens ruled.

<https://www.navytimes.com/news/your-navy/2019/01/23/how-the-court-martial-against-the-fitzs-former-co-was-thrown-into-disarray-this-week/>

It was a problem Caldwell could've sidestepped had he simply completed the NJP hearings "without asking the highlighted questions about (Benson)," Stephens wrote.

Caldwell also could've reviewed prior official probes into the collisions, "removing the need to ask questions again at the hearings," Stephens added.

Caldwell ran afoul of the law a second time because of a hearing he oversaw last March against Capt. Jeffrey Bennett, the former commodore of Destroyer Squadron 15, according to the ruling.

The admiral stated that Benson and the McCain's ex-commanding officer, Cmdr. Alfredo J. Sanchez, "were directly responsible for, and could have prevented, the collisions," Stephens found.

Had Caldwell never mentioned Benson's alleged culpability "there would be no issue," but his "pronouncement of the accused's guilt further demonstrates that he had assumed a prosecutorial role in this case," Stephens wrote.

Caldwell did not respond to an email from Navy Times seeking comment.

Stephens stopped short of dismissing all charges against Benson and it remains unclear what his latest ruling means both for the Navy's prosecution of Benson but also a similar case against a fellow Fitz officer, Lt. Natalie Combs.

Retired Navy Capt. Lawrence Brennan, an instructor at Fordham University School of Law, told Navy Times on Thursday that the military must name a new convening authority, but that's complicated by a motion filed by Henderson that alleges Adm. Richardson and his deputy, [Vice Chief of Naval Operations Adm. Bill Moran](#), committed unlawful command influence against Benson.

Dubbed the "mortal enemy of military justice," UCI occurs when superiors utter words or take actions that taint the outcome of courts-martial, jeopardize the appellate process or undermine public confidence in the armed forces by appearing to tip the scales of justice.

To Brennan, that likely means the next highest leader, Secretary of the Navy Richard Spencer, will be asked to pick a new convening authority but "we need to see how this will impact the rehearing in the unlawful command influence motion."

Any replacement for Caldwell must be a flag officer "who has not run his or her mouth about the case and has no track record of opining about the guilt or innocence or any other appearances of impartiality that were the concern of the judge," said [Patrick McLain](#), a retired Marine Corps judge now in private practice.

While noting the appearance of UCI in Benson's case, Stephens so far has ruled ruling only that Benson's defense should receive expanded options when a panel is selected to act as his jury.

The civilian defense attorney for Lt. Combs, [David Sheldon](#), has also questioned Caldwell's impartiality and raised similar UCI issues in his court filings, but the judge in her case hasn't issued rulings on the motions.

Sheldon told Navy Times that if Caldwell unlawfully assumed a prosecutorial role in the Benson case then the "same is true in LT Combs' case."

A preliminary Article 32 officer sifting through evidence against Combs recommended that she forgo a court-martial trial and instead appear before a board of inquiry to determine if she should remain on active duty, but Caldwell overruled that.

<https://www.navytimes.com/news/your-navy/2019/01/23/how-the-court-martial-against-the-fitzs-former-co-was-thrown-into-disarray-this-week/>

“Unfortunately, this is yet another black eye for the Navy,” Sheldon said. “High profile cases, like the Fitzgerald collision cases ...serve as stark reminders that unlawful command actions undermine the integrity of the military justice system.”

Examples of cases tainted by unlawful command influence and a lack of impartiality by convening flag officers are not rare, according to McLain, the retired Marine judge.

He pointed to retired [Vice Adm. James W. Crawford III](#), the former top lawyer of the Navy, and a Sept. 15 decision by the U.S. Court of Appeals for the Armed Forces that found he improperly meddled in the clemency proceedings against Senior Chief Special Warfare Operator Keith E. Barry.

The justices overturned Barry’s rape conviction and the government was forced to vacate all charges against him.

Sheldon represented Barry in his precedent-setting appeal.

The Navy also could appeal Stephens' ruling against Caldwell but that’s probably not going to happen, according to McLain.

“They may send it to the shoals. It may be too hard, but in my experience, they’re just going to go back to the drawing board,” he said.

Paying the Price: The Hidden Cost of the ‘Fat Leonard’ Investigation

By Sam LaGrone

USNI News, January 24, 2019



Undated photo of Leonard Francis

WASHINGTON, D.C. – The investigation into the web of corruption spun by contractor Leonard Francis has wreaked havoc on the Navy’s ability to fill senior leadership roles, unintentionally stalled hundreds of officers’ careers and thinned out the service’s flag ranks, USNI News has learned.

The six-year-long Department of Justice-led probe into the “Fat Leonard” scandal has resulted in 33 federal indictments, [22 guilty pleas](#) and Francis admitting to authorities that his company, Glenn Defense Marine Asia, had overbilled the Navy by \$35 million to support port visits by U.S. warships.

But to get to that total, hundreds of personnel that served in the Pacific who had not committed any crimes had to be investigated and then cleared. That process placed a countless number of officers on hold with no information on their status and no timeline for being freed from suspicion – a process that sometimes took years – former Secretary of the Navy Ray Mabus told USNI News in an interview last year.

“If Leonard Francis mentioned somebody’s name, or it seemed to us that if somebody had served in a senior position in the Pacific during this time, which covered a lot of folks, they were caught up in this until their name could be pulled out,” Mabus said. “It took in a huge percentage of flag officers, and it really hamstrung the Navy in terms of promotions, in terms of positions.”

The sheer volume of Navy personnel exposed to Francis is indicative of how ubiquitous GDMA’s reach was in the Western Pacific from the late 1990s to his 2013 arrest. The Japan-based U.S. 7th Fleet relied heavily on GDMA to carve out places where U.S. warships could make port calls as Washington wrestled with Beijing for influence in the South China Sea, several officers who served in 7th Fleet have told USNI News.

China was at the time seen as the U.S. Navy’s greatest adversary, and therefore the best and brightest officers in the service cycled through deployments in 7th Fleet. Many of those same officers’ promotions were later put on hold while the investigation was ongoing, with the effects rippling up to the highest levels of the service.

While the total number of Navy personnel DoJ has under investigation is unknown, as of early 2018 Justice had passed to the Navy almost 450 names that they elected not to prosecute. Of those, the Navy elected to take a handful to court-martial, issue seven letters of censure from the Secretary of the Navy, and issue about 40 other administrative actions. As of early 2018, there were about 170 names still pending before the CDA.

“It’s really been pretty devastating to the upper ranks of the Navy,” Mabus told USNI News. “There were bad people here. You gotta catch them. You got to make sure they’re punished. But there were a lot of people that didn’t do anything that got caught up in this.”

<https://news.usni.org/2019/01/24/paying-price-hidden-cost-fat-leonard-investigation>

Several senior officials over the last several months have told USNI News that the damage done to Navy leadership was worse than the aftermath of the 1991 Tailhook convention scandal.

“I think it is worse. I think it’s very secretive,” a retired flag officer told USNI News. “At least with Tailhook, people knew that if they went to Tailhook they were being looked at. Right now, as far as anyone knows, if you ever went west of Hawaii, you’re being looked at. As far as anyone knows, but no one really knows.”

Last year, a senior U.S. Pacific Command staffer told a room of Australians, when asked about the ongoing case, “China could never have dreamt up a way to do this much damage to the U.S. Navy’s Pacific leadership.”

‘Nothing is too good for the Fleet’

Beyond the well-documented dinners and wild parties, a major reason Francis was able to maintain relationships in the Western Pacific for so long was his near monopoly for ship husbanding in the region.

Husbanding agents, like Francis, coordinated bringing the in-port ship fuel, water and food; removed sewage; and other miscellaneous logistical duties that included everything from setting up barriers for force protection to providing morale, welfare and recreation shuttles for sailors.

His rise to prominence paralleled the maritime competition between the U.S. and China in the vicinity of the South China Sea in the early 2000s. The U.S. Pacific Fleet was on a campaign to put ships into places that they had never visited before and had to negotiate port visits to meet U.S. Navy standards for services.

Those standards became much more complex following the 2000 suicide boat attack on USS *Cole* (DDG-67) in Yemen that killed 17 sailors. Francis was able to provide services to meet the tougher standards in places other husbanding contractors couldn’t, several officers who served in 7th Fleet told USNI News.

Leonard’s catchphrase at GDMA was, “nothing is too good for the Fleet,” former Western Pacific Navy contracting official Bruno Wengrowski told USNI News in an interview.

For former commanders who relied on Francis to keep their ships going, he made himself indispensable to 7th Fleet operators.

From 2007 to 2009, retired Rear Adm. Mark Montgomery led the Japan-based Destroyer Squadron 15 that operated almost exclusively in 7th Fleet. Out of 100 or so port visits with his destroyers in that period, GDMA provided husbanding support for about three-quarters of those visits, he said.

“[Francis] was an aggressive husbanding agent who supported our ships, made sure they got what they wanted. Clearly with a profit motive. But as an operator, it was nice to have someone pushing hard to get things,” Montgomery told USNI News in a mid-December interview in Washington.

“He melded out of the role of a contractor into that of a support element. In other words, he’s someone you’re working with,” Montgomery said. “Since I don’t pay his bills and I derive his services with the fuel and the sewage, all these kinds of things. He just kind of melded in there.”

In addition to controlling an abundance of ports, GDMA had a knack for solving tough problems for the Navy that made him essential to the service in the Pacific.

For example, in 2007 carrier USS *Nimitz* (CVN-68) was set to undertake a complex port visit to Chennai, India, as part of a broader U.S. effort to tighten ties with New Delhi as China continued to expand its influence in the Indian Ocean.

<https://news.usni.org/2019/01/24/paying-price-hidden-cost-fat-leonard-investigation>

“No other husbanding agent would sign up to get all the facilities, all the services present, to the standard required by the Navy in India, and he did it,” Montgomery said.

In another poke at China, in 2012 Francis was able to meet Navy standards for a carrier to pay a call to the Malaysian port of Kota Kinabalu on the edge of the South China Sea. GDMA had a profit motive to steer the 7th Fleet staff to the port it controlled to overbill the Navy for services. But Francis was also savvy enough to know that the Navy would see the visit by USS *John C. Stennis* (CVN-74) at the edge of China’s territorial claims as a strategic win that benefited U.S. foreign policy in the region.

“He was a crook, but he was our crook,” Cmdr. Mike Misiewicz, former 7th Fleet deputy of fleet operations and now convicted felon for his role in the scandal, [told *Defense News*](#) in 2016.

The Scope

The fallout from the Fat Leonard investigation has been so devastating to the Navy, in part, because the scope of those under suspicion is so broad, Bryan Clark, a naval analyst at the Center for Strategic and Budgetary Assessments and former aide to retired former 7th Fleet commander and Chief of Naval Operations Adm. Jonathan Greenert, told USNI News in a January interview.

“The duration of time that the investigation covered meant that there are a lot of people that have rotated through that theater that could potentially have done something wrong. Especially the way that Francis managed his business, it meant that he tried to essentially compromise every commander, executive officer, every command triad almost that came through there,” Clark said. “He tried to compromise them in a way to make them beholden to him so that he could use them in the future, which meant you had to pretty much look at every one of those guys that’s gone through there in the course of 15 years.”

Combined with the staff of 7th Fleet and other Pacific Fleet jobs ashore, the number of Navy personnel that had business with Francis – or at least attended an event he sponsored – numbered in the hundreds.

“Because you’re talking about more than a decade, two decades almost, that’s a lot of people that you got to now put under the microscope to ensure that they were not involved in any of the wrongdoing,” Clark said.

As of the start of 2018, about 450 cases were forwarded from DoJ to a consolidated disposition authority (CDA) appointed by the Navy in 2014 to determine if individuals warranted additional punishment from the service. Since 2014 there have been three different CDAs: Adm. John Richardson when he was director of naval reactors until he became CNO in 2015; former U.S. Fleet Forces Command commander Adm. Phil Davidson, from 2015 until he took command of Indo-Pacific Command in 2018; and current Fleet Forces commander Adm. Christopher Grady.

From those cases, the Navy has elected to court-martial a handful of active sailors, issue an unknown number of non-judicial punishments for others and mete out other administrative actions like non-punitive letters of caution (NPLOC) and censures for those who have left the service. As of early 2018, the Navy elected to take administrative action for about 40 of the names handed over from DoJ, USNI News has learned.

But aside from those who faced punishment from the Navy, many of the best officers in the Navy were neither punished nor cleared in a timely manner, meaning they were unable to advance to more senior leadership positions in the service. Under federal law, there’s a limit to how long an officer can serve before they’re either promoted or moved out of the service. Timing is key to the official and unofficial grooming for flag ranks, and the promotion holds for officers named in the investigation began to breakdown the process.

<https://news.usni.org/2019/01/24/paying-price-hidden-cost-fat-leonard-investigation>

“A lot of your hot runners were coming out of that theater, which meant a lot of your hot runners that were in line for these milestones were the very people that had been potentially implicated in this investigation,” Clark said.

“They caught up the cream of the crop, if you will. The Navy is now caught up in this web that now you got to vet them all because you can’t have them move onto that next milestone.”

Several officials familiar with the investigation said that subjects often didn’t know they were under suspicion until they tried to move into new jobs or promote.

“It is really debilitating to those who are just sitting there on tenterhooks,” a retired flag officer who served in the Western Pacific told USNI News last year. “The classic example are always guys who got out and flag officers [looking to promote]. Never heard a boo other than: ‘Hey we can’t nominate you for another job.’ ‘Why?’ ‘Because you haven’t cleared.’ ‘Cleared what?’”

Officers who were waiting for their next promotion could be on hold for years without knowing the status of their investigation. Rather than cope with the anxiety of not knowing their future in the service, many opted to retire instead of serve.

Adding another roadblock, until recently the Navy had difficulty complying with U.S. Senate rules on disclosing potentially prejudicial information for a nominee for a three-star position due to Department of Justice restrictions.

“If there’s been an [inspector general investigation] on somebody, any kind of administrative action, that’s already documented. And so you’d lay that forward. But the sticking point here is, just because somebody’s name came up in a conversation, may that be a deposition, or an interview, or in Mr. Francis’ email, or anything else. These names have tended to build up,” a retired senior Navy officer told USNI News in an interview.

“There’s no accusation for almost all of them. They may not even be a person of interest, per se. Certainly not a criminal, because [DoJ] would front-load all that and then it becomes more of a perhaps potential ethical, or administrative, or regulations, or rules-violation.”

Initially, even the scope of those who might be implicated was unknown to senior leaders in the Navy because they themselves hadn’t been cleared of impropriety in the investigation.

“A lot of the guys that were in charge were potentially involved either as witnesses or as potential wrongdoers,” Clark said. “So they were all kept out of the loop necessarily, which means you have to manage the Navy’s personnel processes knowing that this is going on, but not knowing the specifics as to what’s happening next.”

Ethics

Much of the collateral damage to the service has come from how to handle the gray area between criminal behavior and a violation of Navy rules and procedures.

Chief of Naval Operations Adm. John Richardson told a collection of retired flag officers in 2017 that the service was struggling with handling the individuals handed over from the DoJ and determining what level of punishment the Navy should assign for lapses that are the ethical equivalent of “jaywalking.”

Defining wrongdoing for those caught up in the case has been met on a sliding scale based on circumstance and seniority, Clark told USNI.

<https://news.usni.org/2019/01/24/paying-price-hidden-cost-fat-leonard-investigation>

“These ethics rules are clear, regulations are clear [but] we don’t always enforce them all as aggressively depending on the situation,” he said. “So people that violate the ethics rules, by the letter of the law, often are not punished or they get a very minor sort of reprimand.”

However, Clark said, there was still a question if ethical infractions were weighed differently because of their connection to the GDMA case.

[While junior officers who ran afoul ethical hurdles were given minimal punishment](#), according to a report in the *San Diego Union-Tribune*, the ethical lapses of senior leaders were dealt with differently.

USNI News is familiar with the cases of several former Navy officials who were, as part of the CDA process, given a career-ending non-punitive letter of caution in their official record for violations like paying too little for a GDMA-sponsored dinner or accepting unsolicited gifts from Leonard.

A NPLOC would not hinder the career of a more junior sailor, but circumstances are different for a more senior officer, USNI News understands. As senior captains move to rear admiral and one- and two-stars look to promote, any kind of detrimental mark on their reputation wouldn’t have been worth the risk to the service, several former senior officers have told USNI News.

What added to the frustration for many caught in the ethical gray areas is that violations occurred when they were far more junior officers.

“The Navy handles these [cases] inconsistently and you end up with these situations where you’re unclear on how you handle these cases of minor infractions,” Clark said. “You’ve got senior people who committed minor infractions as more junior [officers].”

He said, if those suspected of ethical violations had been punished as a more junior officer when the infraction first occurred, a non-punitive letter in their record wouldn’t have been stopped a career. But due to the length of the investigation, a letter from an infraction from years ago would be enough to end a career in the service for a more senior leader.

In addition, the subjects of the NPLOCs and the public Secretary of the Navy Letters of Censure are limited in how they can dispute any allegations.

In November, Montgomery was issued a letter of censure from Secretary of the Navy Richard V. Spencer – based on the recommendation of Grady, the current CDA – which accuses him of the crimes of graft and false official statements, charges that he categorically denies but can’t defend or appeal.

“This was not an inspector general report. It was not a UCMJ report. It did not have the appropriate, from the evidence shown to me and the work product shown to me, it did not have the findings, the facts, findings, recommendations, and then the opportunity for me to review the evidence against me and to provide my rebuttal at that time as you would in a normal [inspector general] or UCMJ process,” Montgomery said.

No End In Sight

Beyond the Navy, the overall federal investigation shows no signs of stopping. In the beginning of 2018, Richardson told a group of reporters that he hoped the investigation would end by the close of 2018. However, that was not the case and there are no clear indications of the probe wrapping up soon.

Former SECNAV Mabus said he believes the Navy successfully handled the situation on its own, and he places the bulk of the blame on the DoJ for taking too long.

“They’ve had time to do this. They’ve had time to figure out criminal involvement. I was told that I couldn’t [ask to accelerate the clearances] because it would be seen as interfering with a prosecution, or

<https://news.usni.org/2019/01/24/paying-price-hidden-cost-fat-leonard-investigation>

undermining a prosecution,” Mabus told USNI News. “Two different secretaries of defense offered to call the Attorney General to see if we could speed it, and they were told by their lawyers, by the DoD lawyers, ‘You can’t do that. You’ve got to maintain a hands-off attitude.’ And so while Navy was, I think, very aggressive in rooting this out, very aggressive in fixing the system that allowed it to happen, Navy has just been hamstrung by the unwillingness of the U.S. Attorney’s Office to clear cases.”

However, even if the investigation ended tomorrow, the damage the probe has done to potential leaders that were groomed in the Pacific to serve at the highest levels has already been done, a former senior naval officer told USNI News.

“We started sending a lot of our best people out there – the commodores, air wing commanders, one-stars – and now look at what we’ve got,” the officer told USNI News.

“Now, it’s the kiss of death.”

Supervisor of Navy SEAL charged in war crime case

By Julie Watson

The Associated Press, January 22, 2019

SAN DIEGO (AP) — The Navy officer who supervised a SEAL accused of fatally stabbing an Islamic State prisoner in Iraq in 2017 was charged Tuesday with various offenses tied to the case, including allegations he conducted the SEAL's re-enlistment ceremony next to the corpse and encouraged enlisted personnel to pose for photos with the body.

The court martial for Lt. Jacob Portier began with the arraignment Tuesday at the Navy base in San Diego. Portier also is accused of failing to report a war crime, destroying evidence and impeding the investigation of Special Operations Chief Edward Gallagher.

Portier's attorney, Jay Sullivan, said Portier will plead not guilty to all the charges at a later date, which is allowed under military court rules. Both sides agreed to meet again next week to discuss restrictions on information, photos and video from the investigation and whether anything should be classified or kept from the public during the rare trial of an elite special warfare operator.

Sullivan said he plans to object to a protective order in place because it has limited his ability to review the investigation's documents and interview witnesses about statements that have been made, though he believes there may be things that should be kept from the public and discussed in closed session during the trial.

Sullivan said Portier — who was the officer in charge of Gallagher's platoon during the deployment — is innocent. Sullivan believes it will come out that the Islamic State fighter was killed in combat operations and Portier was not there.

He also said the re-enlistment ceremony was done legally in a war zone where there may have been other casualties nearby.

"I can tell you he certainly never ordered anybody to appear in any photos with a dead ISIS fighter," Sullivan said after the arraignment. "I can tell you that a re-enlistment ceremony was done on the battlefield and for a Navy SEAL nothing could be more proud and honorable than re-enlisting to serve your country on the battlefield."

Gallagher pleaded not guilty earlier this month to charges of premeditated murder and other offenses, including opening fire on crowds of Iraqi civilians, and shooting a female and a male in separate incidents.

Navy prosecutors have painted a picture of a decorated SEAL going off the rails on his eighth deployment, indiscriminately shooting at Iraqi civilians and stabbing to death a captured Islamic State fighter estimated to be 15 years old. They say he also posed with the corpse, including at his re-enlistment ceremony.

His lawyers have said the allegations were made by disgruntled SEALs out to get Gallagher because he was a demanding platoon leader.

Portier's lawyer said the Naval SEALs have had "extraordinary success" in Iraq. He is concerned the Navy's prosecution of the case in a public court martial could undermine that, hurt morale and reveal information about the secretive force. He wants the State Department to intervene on behalf of national security. He believes it's important to determine whether parts of the case, such as operations' details, tactics, etc., should be only discussed in closed sessions.

<https://www.apnews.com/324c412ec5064694acb931701880f73a>

“I believe the investigation should be classified,” Sullivan said after the arraignment. “The operations that we do over there is protecting our national security, and parading these warfighters on the stage, I think it puts them at risk and our mission over there at risk.”

Gallagher, who has been jailed since his arrest Sept. 11, will stand trial Feb. 19.

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SEE ALSO:

[Court martial for SEAL platoon commander accused in Iraq war crime cover-up to begin Tuesday](#) [*The San Diego Union-Tribune*, 2019-01-19]

Racism

GM says it has ‘zero tolerance for discrimination’ following allegations of racism

By Michael Burke

The Hill, January 21, 2019



(© Getty Images)

General Motors said Monday that it has "zero tolerance for discrimination" following allegations of racism at a plant in Ohio.

"We're outraged that anyone would be subjected to racist behavior. We have zero tolerance for discrimination – this is not who we are. We're working to drive this out of our workplaces," the company

wrote in several tweets responding to users.

Nine employees [recently filed a lawsuit against GM alleging racism](#) at a plant in Toledo, Ohio. The employees have said that "whites-only" signs were placed outside a bathroom and that they found nooses hanging at the plant.

The lawsuit claims that black employees at the plant were told that a white employee's "daddy" was in the Ku Klux Klan and that white workers at the plant wore shirts with Nazi symbols, according to [CNN](#).

The lawsuit also states that there is an "underlying atmosphere of violent racial hate and bullying" at the plant.

In a statement to The Hill last week, GM said it was "taking the matter seriously."

"Discrimination and harassment are not acceptable and in stark contrast to how we expect people to show up at work," the company said at the time. "We treat any reported incident with sensitivity and urgency, and are committed to providing an environment that is safe, open and inclusive. General Motors is taking this matter seriously and addressing it through the appropriate court process."

A new video shows a different side of the encounter between a Native American elder and teens in MAGA hats

By Emanuella Grinberg

CNN, January 23, 2019



Video show a different side of the confrontation between a Covington Catholic High School student and a Native American man. CNN's Sara Sidner reports. ([Video](#): CNN)

A [video](#) that shows white high school students in Make America Great Again hats and shirts mocking a Native American elder shocked the country, leading to widespread denunciations of the teens' behavior.

It was a moment in a bigger story that is still unfolding.

A [new video](#) that surfaced Sunday shows what happened before and after the encounter Friday in front of the Lincoln Memorial in Washington.

In the new video, another group taunts the students from Covington Catholic High School in Kentucky with disparaging and vulgar language. The group of black men, who identify as members of the Hebrew Israelites, also shout racist slurs at participants of the Indigenous Peoples Rally and other passersby.

The new video adds context to an encounter viewed by many as the latest sign of bigotry infecting the country. Screenshots of a smirking teen staring down Omaha tribe elder Nathan Phillips spread through the internet, sparking widespread outrage.

But a teen who says he was involved in the encounter said the students' actions have been wrongly interpreted as racist. In a [statement](#), Nick Sandmann said the students decided to raise their voices to drown out the Hebrew Israelites' inflammatory comments -- not to intimidate or mock Phillips. Phillips has said the teen blocked his escape.

But neither Sandmann's statement or the video will be the last word on the controversy. Here's what the video shows:

The Hebrew Israelites begin by disparaging the students

The new video was shot by a member of the adult group.

The men identify as members of the Hebrew Israelites, a movement that believes some black Americans are the descendants of an ancient Israelite tribe.

A man in a long black coat does most of the talking and shouting, occasionally banging a walking stick on the concrete for emphasis. Another man dressed in black holds a poster with the names of the 12 tribes of Israel in one column and another described as the corresponding "slave names" of different racial identities.

Another man with an Afro and a Star of David necklace hanging around his neck occasionally recites scripture while the person filming occasionally adds his own commentary.

The video opens with a tense encounter involving the men and a woman who challenges their beliefs and calls for peace.

<https://www.cnn.com/2019/01/21/us/maga-hat-teens-native-american-second-video/index.html>

"Peace to what land?" one of the men responds. "How you gonna have peace to this land ... when you got this madman in the White House?"

The camera pans past the group, catching the first glimpse of the teenagers, at least one wearing a red Make America Great Again hat.

"Then you got those pompous bastards over there wearing Make America Great Again hats," one voice says. "Why you not angry at them?"

Then, they disparage indigenous people and African Americans

The woman leaves, and the crowd thins out. Filming continues as the men read aloud scripture and engage in conversations with those who stop to talk.

Drumming becomes audible in the video and rallygoers appear in the background, clapping hands to form a circle. After the drumming subsides, the men turn their focus to the indigenous community.

"Y'all taking about peace, peace, peace -- there ain't gonna be no peace," the lead speaker shouts.

"When has America been great for our people? When has the America ever been great for the North American Indians?" the main speaker shouts. "America ain't never been great. It only been great for you damn peckerwoods."

Then, the camera turns to students watching a few feet away.

The man calls them out for wearing MAGA hats to a rally for indigenous communities. He rails against a teen he perceives to be a black student for associating with his "oppressor." He also calls out Indigenous Peoples March attendees for associating with white people.

A Native American elder tries to intervene

The students were in Washington to participate in the March for Life rally earlier in the day. The Lincoln Memorial was their meeting point following an afternoon of sightseeing so they could board buses back to Kentucky, according to Sandmann.

As the crowd of students grows, some of the men criticize their "racist" MAGA hats. They call them "crackers" and "incest children." The video captures some students walking away.

Almost an hour into the video, the students begin amassing in large numbers on the steps behind the men. As the men continue shouting, the video captures students chanting back.

"A student in our group asked one of our teacher chaperones for permission to begin our school spirit chants to counter the hateful things that were being shouted at our group," Sandmann said in his statement. "The chants are commonly used at sporting events. They are all positive in nature and sound like what you would hear at any high school," he said.

A student jumps in front of the group, rips his shirt off and leads the group in a chant and dance. He retreats and the students bounce up and down as they continue to chant, attracting onlookers.

Soon enough, the sound of a drum builds offscreen. Phillips, surrounded by several people with drums and cameras, enters the frame. The video captures Phillips as he walks into the crowd of bobbing teens.

"He came to the rescue," a voice is heard on the video.

People follow him, blocking the camera from what happens next.

Kaya Taitano, who shot the viral video, said the teens were chanting "Build the wall" and "Trump 2020." Those chants were not audible in videos reviewed by CNN.

<https://www.cnn.com/2019/01/21/us/maga-hat-teens-native-american-second-video/index.html>

The situation was starting to grow calm until Sandmann got in Phillips' face, Taitano said. Phillips kept chanting and beating his drum as other boys circled around, "mocking him and mocking the chant," Taitano said.

Phillips said the teen blocked his path as he tried to keep moving.

"I was scared," Phillips told CNN's Sara Sidner. "I don't like the word 'hate.' I don't like even saying it, but it was hate unbridled. It was like a storm."

Sandmann denied that he blocked Phillips' path and insisted that Phillips was the one who "locked eyes" with him. He also denied that anyone said "build that wall" or anything hateful.

"I was not intentionally making faces at the protestor. I did smile at one point because I wanted him to know that I was not going to become angry, intimidated or be provoked into a larger confrontation," Sandmann said in his statement.

Then, the Hebrew Israelites return their focus to the students

The men continue talking on the video as Phillips disappears from the shot. They describe the students' hats and behavior as a "mockery" and call them "future school shooters."

The comments draw the students back to the group. Some respond with boos and gather around the men.

"How you gonna tell somebody to go shoot up a school -- that's like really rude," says a voice from the young crowd.

The men accuse them of reaping the benefits of slave labor. The men repeatedly use the n-word to refer to the black teens in the group, prompting cries from group. The men ask the students if the water they're drinking "tastes like incest" and call the students "young Klansmen."

The teens listen for a few minutes longer, accusing the men of being racist and booing when the main speaker uses the word "faggots" when talking about equal rights.

Then, the students get a signal from off camera to leave. They cheer and wave, chanting "let's go home" as they run off.

The video continues for another 20 minutes as the men turn their focus to a prayer circle that formed while they were talking to the students. The lead speaker shouts denunciations of the Catholic church, calling its members "child molesters" and quotes scripture.

Finally, as the last light of the sun disappears, the men decide to leave after taking stock of the day.

"This was off the chain," a voice says.

SEE ALSO:

[Why the furor over the white teen in the MAGA hat hurts people who most need to be seen](#) [CNN, 2019-01-24][OPINION]

[Nathan Phillips on Today Show: 'I'm still angry, I still have forgiveness in my heart'](#) [USA TODAY, 2019-01-24]

[Nathan Phillips, man at center of standoff with Covington teens, misrepresented his military history](#) [The Washington Post, 2019-01-24]

[Death threats and protests: Kentucky town reels from fallout over Lincoln Memorial faceoff](#) [The Washington Post, 2019-01-22]

<https://www.cnn.com/2019/01/21/us/maga-hat-teens-native-american-second-video/index.html>
[Tribal elder in viral standoff video was not a Vietnam veteran, military records show](#) [*Military Times*, 2019-01-23]

[Who Posted Viral Video of Covington Students and Protester? Congress Wants to Know](#) [*The New York Times*, 2019-01-23]

[Catholic student in viral video says he respects Native American elder, but he doesn't owe an apology](#) [*CNN*, 2019-01-23]

[The March for Life is a different kind of field trip for schools like Covington Catholic](#) [*USA TODAY*, 2019-01-23]

[Covington Catholic student Nicholas Sandmann on Today Show: 'People judged me based off one expression'](#) [*USA TODAY*, 2019-01-23]

[DC protest weekend was a national Rorschach test](#) [*CNN*, 2019-01-22]

[Boys school shuts down amid fallout over Washington videos](#) [*The Associated Press*, 2019-01-22]

[Covington Catholic closes Tuesday, first school day after D.C. incident](#) [*USA TODAY*, 2019-01-22]

[Activist Nathan Phillips now says he will meet with Covington Catholic students](#) [*USA TODAY*, 2019-01-22]

[Viral standoff between a tribal elder and a high schooler is more complicated than it first seemed](#) [*The Washington Post*, 2019-01-22]

[What to know about Black Hebrew Israelites, the group in that Covington Catholic video](#) [*USA TODAY*, 2019-01-22]

[Covington Catholic closes Tuesday, first school day after D.C. incident](#) [*USA TODAY*, 2019-01-22]

[How We Destroy Lives Today](#) [*The New York Times*, 2019-01-21] [OPINION]

[Student in Trump hat denies mocking Native American activist in videotaped encounter](#) [*Reuters*, 2019-01-20]

White supremacist pleads guilty to NYC sword killing

By Jim Mustian

The Associated Press, January 23, 2019



James Jackson, right, confers with his lawyer during a hearing in criminal court, Wednesday Jan. 23, 2019 in New York. Jackson, a white supremacist, pled guilty Wednesday, to killing a black man with a sword as part of a racist plot that prosecutors described as a hate crime. He faces life in prison when he is sentenced on Feb. 13. (AP Photo/Bebeto Matthews)

NEW YORK (AP) — A white supremacist pleaded guilty Wednesday to killing a black man with a sword as part of an attack that authorities said was intended to incite a race war in the United States.

James Jackson admitted to fatally stabbing 66-year-old Timothy Caughman in March 2017 after stalking a number of black men in New York City.

Jackson, who is white, told police he traveled from Baltimore to carry out the attack because New York is the media capital of the world. He said the slaying was intended to be practice for further assaults on black people.

Jackson, 30, faces life in prison without parole when he is sentenced Feb. 13 after pleading guilty to six counts, including murder and a hate crime charge.

He spoke in a calm and collected manner as Judge Laura Ward questioned him in Manhattan criminal court, saying “that’s true” when asked whether he was armed with a sword and two knives when he began hunting black people on the streets of Midtown.

The plea came several weeks after Ward ruled that jurors would hear Jackson’s detailed confession if the case had gone to trial. Jackson’s attorneys said he pleaded guilty against their advice, aware he would face a mandatory life sentence.

Caughman, who was remembered as a gentleman and a good neighbor, was alone and collecting bottles for recycling when he was attacked from behind with a sword. He staggered, bleeding, into a police station and died at a hospital.

Cyrus Vance, the Manhattan district attorney, called the plea a landmark conviction, saying it marked New York’s first prosecution under the state’s “murder as a crime of terrorism” statute. But he warned that it would not “reverse the alarming rise of white nationalism in America.”

“This was more than a murder case,” Vance said outside the courtroom. “This was a type of cruelty that needs to be treated with the most serious of our laws.”

Jackson is from Baltimore and a veteran who served in Afghanistan. Family friends said previously that the allegations were out of line with how he was raised, in a tolerant and liberal middle-class family.

In a 2017 jailhouse interview with the Daily News, Jackson said he intended the stabbing as “a practice run” in a mission to deter interracial relationships.

He said he would rather have killed “a young thug” or “a successful older black man with blondes ... people you see in Midtown. These younger guys that put white girls on the wrong path.”

<https://www.apnews.com/4a43dfb0d6494e948ef0cf247d59edc5>

One of Jackson's attorneys, Frederick Sosinsky, told the judge Wednesday that New York police improperly interviewed Jackson several weeks ago without notifying his defense lawyers. He said the officers who conducted the interview were not assigned to the case and work in the intelligence division of the police department.

Sosinsky called the interview "shocking to the conscience" and in violation of state and federal law.

It was not immediately clear why the officers questioned Jackson.

"This will not be the end of the matter as far as I'm concerned," Sosinsky told Ward. "I will not rest until we have a very good answer as to how this could possibly happen."

Vance, the district attorney, said he was unaware of the interview before Wednesday but told Ward "it's not something we'd countenance."

He declined to address Sosinsky's claim that the New York Police Department has made a "practice" of conducting such unauthorized interviews but said his office will conduct a preliminary inquiry into the matter.

Emails seeking comment on the interview were sent to the NYPD.

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SEE ALSO:

[White supremacist pleads guilty to NYC sword killing](#) [*The Associated Press*, 2019-01-23]

[White man who wanted race war pleads guilty to New York stabbing](#) [*Reuters*, 2019-01-23]

[White supremacist pleads guilty to killing a black man with a sword in an effort to start a race war](#) [*CNN*, 2019-01-24]

Religion

Bible classes in public schools? Why Christian lawmakers are pushing a wave of new bills

By Erin Richards

USA TODAY, January 23, 2019

A wave of “Bible literacy” bills emerging in state legislatures would allow more students in public high schools to study the Old and New Testaments.

Proposals from lawmakers in at least six states would require or encourage public schools to offer elective classes on the Bible’s literary and historical significance. That’s a more narrow focus than what’s typically covered in courses on world religions.

Some of the lawmakers – and leaders of Christian groups supporting the bills – say they want to restore traditional values in schools and give students a chance to study the religious text deeply.

“The Bible is an integral part of our society and deserves a place in the classroom,” said Republican state Rep. Aaron McWilliams of North Dakota, a co-sponsor of a bill that would [require the state's public high schools to offer an elective on Bible studies](#).

Opponents say the measures come perilously close to violating the constitutional line between church and state – and, in practice, might overstep it. They say the proposals are part of a [coordinated effort](#) by evangelical political groups pushing model legislation in several states.

“State legislators should not be fooled that these bills are anything more than part of a scheme to impose Christian beliefs on public schoolchildren,” said Rachel Laser, president and CEO of [Americans United for Separation of Church and State](#).

Done right, the bills are legal

This year, Bible literacy bills have been introduced in [Florida](#), Indiana, Missouri, [North Dakota](#), Virginia and West Virginia, according to the American Civil Liberties Union.

At least three Bible literacy bills were considered in 2018 – in Alabama, Iowa and West Virginia – but none passed, according to the ACLU. Tennessee passed a related but slightly different bill.

The year before, Kentucky Gov. Matt Bevin signed into [law](#) a Bible studies bill. It created guidelines for public high schools to offer electives on the literature of the Bible and Hebrew Scriptures.

Laser said the Bible studies classes are likely to convey a religious message and preference. That would violate the First Amendment, which guarantees that the government won’t act in a way that prefers one religion over another and that people can practice whatever religion they wish.

In short, there's a line in public schools between teaching about a religion and proselytizing. Lawmakers bringing the proposals say the classes can be taught in a way that doesn't overstep that line.

Conservative Christian groups involved

The proposals are getting more attention because they're linked to a common source: an initiative called [Project Blitz](#) coordinated by conservative Christian political groups.

Those groups include the [Congressional Prayer Caucus Foundation](#), which aims to protect religious liberties; the [National Legal Foundation](#), a Christian public-interest law firm; and the nonprofit [WallBuilders](#), which emphasizes the "moral, religious and constitutional foundation upon which

<https://www.usatoday.com/story/news/education/2019/01/23/in-god-we-trust-bible-public-school-christian-lawmakers/2614567002/>

America was built," according to its website. WallBuilders' name is a biblical reference to grass-roots work and does not refer to the debate over the border wall between the USA and Mexico.

Critics say the groups are trying to reshape America by cementing pro-Christian messages in public schools.

"They have put out a [more than 100-page playbook](#) that lays out very plainly their strategy into tiers of bills that they want to pass, and the last tier is promoting a particular religious point of view for legislation," said Amanda Tyler, executive director of the [Baptist Joint Committee for Religious Liberty](#), which advocates for keeping government out of matters pertaining to faith.

The ACLU provided a copy of the 2018 version of the playbook, called the "Report and Analysis on Religious Freedom Measures Affecting Prayer and Faith in America." Model legislation and talking points within it advocate for preserving the country's Judeo-Christian heritage and enshrining conservative values in public policy. For instance, the groups say marriage and child adoption should be practiced only by heterosexual, married couples.

As for the Bible literacy proposals, Tyler of the Baptist Joint Committee said that lawmakers who have busy legislative calendars may sign on to bills that look innocuous but may further a troubling agenda.

"Anything that might send a message to our children that [you have to be a Christian to be a full American](#) is extremely problematic," she said.

David Barton, a Christian political activist and the founder of WallBuilders, said that's a mischaracterization of the bills.

"Bible literacy is a good thing to have," he said. "For me, the issue is that many schools don't (offer Bible studies courses) because they think they can't legally. We are saying, 'Well, yes, you can.' "

Requests for comment to the Congressional Prayer Caucus Foundation were not returned.

'In God We Trust' legislation

The same coordinated initiative helped push bills in 12 states last year that called for public schools to post the national motto, "In God We Trust," ACLU leaders said.

Six states passed those bills into law. This year, similar bills have been introduced in Alaska, Illinois, Indiana, Kentucky, Missouri, Mississippi, Nebraska, New York and South Carolina, according to the ACLU.

The Indiana bill from state Sen. Dennis Kruse, R-Auburn, calls for the [national motto to be posted in public schools and for high schools to add a biblical studies](#) component to world religion classes.

Kruse said he was not aware of Project Blitz and didn't talk to lawmakers in other states before introducing his proposal.

"I think it's good to remind people of our national motto and that God is who we really place our trust in," Kruse said. "This is how we came about as a country."

<https://www.washingtonpost.com/nation/2019/01/23/his-comment-lunch-scared-his-school-classmates-it-led-police-plot-attack-muslims/>

His comment at lunch scared his classmates. It led police to a plot to attack Muslims.

By Kyle Swenson

The Washington Post, January 23, 2019

On Friday, the lunch hour was underway at Greece Odyssey Academy, a school for grades six through 12 in suburban Rochester, N.Y., when one student's comment set off alarm bells.

According to a [news conference](#) held Tuesday by local law enforcement, at one point during the hour, a 16-year-old boy, who wasn't named, approached a group of classmates and brandished a photograph on his cellphone. The image was of another Odyssey Academy student.

"He looks like the next school shooter, doesn't he?" the 16-year-old said, [according](#) to Greece Police Chief Patrick Phelan.

For high schoolers coming of age amid regular television footage of blood-splashed classrooms and relentlessly drilled with the "see-something-say-something" mantra from adults, the statement ignited concern. A student told security, and an investigation was launched into both the 16-year-old who showed off the image and the boy pictured.

But investigators did not uncover a potential Parkland-style school shooting.

Instead, as Phelan recounted to reporters on Tuesday, investigators quickly were led to a scheme concocted by a group of young men to attack a Muslim settlement known as Islamberg located three hours away in New York state's rural Delaware County. Police confiscated dozens of firearms from the men, as well as three improvised explosive devices.

Vincent Vetromile, 19, Andrew Crysel, 18, and Brian Colaneri, 20, are in custody and facing charges of first-degree criminal possession of a weapon and fourth-degree conspiracy. An unnamed 16-year-old — the Odyssey Academy student who unnerved classmates with the school shooter comment — has also been arrested in relation to the case. He has not been identified due to his age. The boy identified in the photo is not linked to the alleged conspiracy.

"If they had carried out this plot, which every indication is they were going to, people would have died," Phelan told reporters. "The kid who initially said something to an adult saved people's lives."

Authorities did not explain the relationship between the four men, but Phelan did reveal three of the four men had been in the Boy Scouts of America together. Two rose to the rank of Eagle Scout, the organization's highest honor.

The men have yet to enter pleas.

Islamberg, nestled in the remote western foothills of the Catskill Mountains, has been the target of both hyperventilating far-right conspiracy theories as well as violent plots in the past.

The community was started in the 1980s by a group of followers of the Pakistani cleric Sheikh Mubarak Gilani, the Associated Press [reported in 2017](#). Trying to shake loose from the congestion and crime in New York City, families relocated to the rural area. Around 200 people now live at the site, which is run by [the Muslims of America](#), a U.S.-based Islamic faith group that operates Muslim communities across North America.

<https://www.washingtonpost.com/nation/2019/01/23/his-comment-lunch-scared-his-school-classmates-it-led-police-plot-attack-muslims/>

But the community has not stayed off the radar. Alex Jones's conspiracy website Infowars has regularly suggested Islamberg is a training camp for violent jihad, and the outlet sent two correspondents to "[investigate](#)" the claims in 2015.

In March 2015, [authorities arrested](#) a Tennessee man named Robert Duggart for plotting an Islamophobic attack on the compound. He was convicted in 2017 of solicitation to commit a civil rights violation and solicitation to commit arson of a building and sentenced to almost 20 years in prison.

Islamberg residents, however, say they disavow all violent forms of Islam.

"It's a bunch of nonsense," Hussein Adams, chief executive of the Muslims of America, told the [AP in 2017](#). "For the last 30-plus years, we've been training for this jihad? So why hasn't this jihad taken place?"

Local law enforcement has also dismissed the allegations.

"These folks that live here are American citizens. They've lived here for over 30 years. They built this community. They have ties within, outside of this community," New York State Police Maj. James Barnes told the AP. "And there's not a problem here."

On Tuesday, authorities did not tell reporters why the four allegedly selected Islamberg as a target for assault.

According to Phelan's account, after the complaint was made about the 16-year-old's comment, investigators interviewed the student as well as the student in the cellphone image, who was later released. The 16-year-old who first made the comment, however, became the focus of the investigation. Phelan said those interviews led police to the additional three suspects.

Five search warrants were executed as part of the investigation. The guns confiscated were rifles and shotguns, Phelan said.

"They had access to these weapons," he added. "Some of them were their father's, some were their grandfather's, some of them I think they purchased themselves."

All three of the explosive devices were found at the 16-year-old's home. Citing court documents, the Rochester Democrat and Chronicle [reported](#) one device was a large cylinder, one was medium-size, and the third was a Mason jar. All three contained gun powder, BBs and nails.

The devices "were homemade bombs," Phelan told reporters. "They are being examined right now at the FBI lab in Quantico."

As part of the search, authorities also confiscated multiple cellphones and computers. "I would say we did see some material that was disturbing and suspicious," Phelan said.

The men allegedly communicated about the plot through Discord, a smartphone chat app favored by gamers that has also been popular among [hate groups](#). Discord has since aggressively worked to remove hate speech from its platform, The Washington Post [reported last year](#).

On Tuesday, authorities added that they are working with federal law enforcement to see if any additional charges could be filed against the men. Phelan also did not rule out the possibility that the plot included more than the four people now in custody.

"We may find through more investigation that more people were involved," he said.

Supreme Court refuses to consider appeal from high school football coach fired for praying after games

By Richard Wolf

USA TODAY, January 22, 2019



In Washington state, former Bremerton High School football coach Joseph Kennedy was fired for kneeling on the field in prayer after games. (Photo: Larry Steagall, Kitsap Sun)

WASHINGTON — The Supreme Court refused Tuesday to tackle a First Amendment dispute between a Washington State school district and a football coach fired for kneeling in prayer at the 50 yard-line after games.

The lawsuit by Joseph Kennedy, a Bremerton High School coach who was fired in 2015, had become a cause célèbre among religious conservative groups who argued that he was denied his free speech rights as a private citizen.

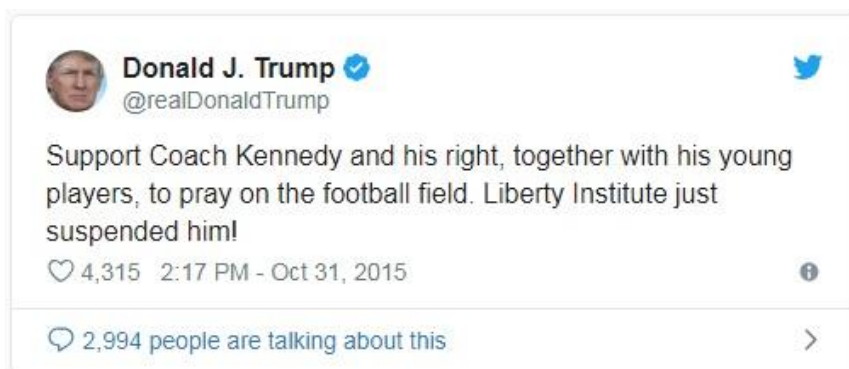
Four conservative justices – Clarence Thomas, Samuel Alito, Neil Gorsuch and Brett Kavanaugh – wrote separately to express concerns about religious liberty but agreed the case was not ripe for review.

The [U.S. Court of Appeals for the 9th Circuit](#) ruled in 2017 that Kennedy acted as a public official by praying, along with willing athletes, in school attire and in full view of students and parents.

"The (federal appeals court's) understanding of the free speech rights of public school teachers is troubling and may justify review in the future," Alito wrote.

The case even drew the attention of presidential candidate Donald Trump in 2015, before the first votes were cast in his successful campaign for the White House. He tweeted, inaccurately at the time, about Kennedy's suspension.

First Liberty Institute, which actually represents Kennedy in the case, vowed Tuesday to redouble its efforts in the federal district court.



“The Supreme Court seems to understand that banning all coaches from praying just because they can be seen is wrong and contradicts the Constitution,” First Liberty President Kelly Shackelford said.

For the past few decades, the Supreme Court generally has carved out protections for religious groups

and individuals. In recent years, it ruled that a [Missouri church](#) could receive federal funds, [private corporations](#) could avoid federal health regulations regarding contraceptives, and a New York town could [open meetings with Christian prayers](#).

In June, it ruled that a [Colorado baker](#) was treated unfairly after he refused on religious grounds to create a wedding cake for a same-sex couple. And it said a similarly defiant [Washington state florist](#) deserves another chance to challenge lower court rulings against her.

<https://www.usatoday.com/story/news/politics/2019/01/22/supreme-court-wont-hear-praying-football-coach-case/1943694002/>

Most recently, the justices agreed to decide whether a 93-year-old [memorial to World War I veterans](#) must be removed from public land in Maryland, as lower courts ordered, because it is shaped like a cross. That case will be heard next month.

But a majority of justices, including Chief Justice John Roberts, apparently agreed with the lower court that Kennedy, a Christian who coached the football team for seven years, went too far with his public display of faith on school grounds.

"Such activity can promote disunity along religious lines and risks alienating valued community members from an environment that must be open and welcoming to all," the appeals court panel ruled last year.

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SEE ALSO:

[Supreme Court refuses to hear coach's free speech case](#) [*The Hill*, 2019-01-22]