

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.

Air Force calls for culture change in bid to reduce suicides [Brian Ferguson, *Stars and Stripes*, 12 February 2019]

- Air Force senior leaders issued a [memo](#) calling for a culture change after a total of 11 airmen and Air Force civilians died by suicide in the first four weeks of 2019.
- The number of suicides within the ranks has remained relatively flat in recent years; however, the service wants to do more to bring the suicide rate down, stated a Feb. 5 memo signed by Secretary of the Air Force Heather Wilson, Chief of Staff of the Air Force Gen. David Goldfein, and Chief Master Sgt. of the Air Force Kaleth Wright.
- “We need an Air Force culture where it is more common to seek help than to try to go at it alone,” the memo stated. “We expect each of us to know what resources are available, help those in need, and stand alongside our Wingmen throughout a crisis or challenge. No one is alone, and we are all valued members of our Air Force family.”

[Air Force calls for culture change in bid to reduce suicides](#)

Brass Call for More Accountability to Stop Sexual Assault at Military Academies [Oriana Pawlyk, *Military.com*, 13 February 2019]

- Holding [more cadets accountable](#) for misconduct in the ranks is the only way the service academies will “move the needle” on stopping a troubling sexual assault trend, top school officials testified Wednesday.
- Wednesday’s hearing was one of a handful in recent weeks following the Jan. 31 release of a biennial survey from Defense Department’s Sexual Assault Prevention and Response Office on sexual misconduct at the service academies.
- According to the congressionally mandated survey, 747 students reported experiencing unwanted sexual contact during the 2017-2018 academic year, compared with 507 in the 2015-16 school year—a 47 percent rise since 2016.

[Brass Call for More Accountability to Stop Sexual Assault at Military Academies](#)

If you’ve been harassed online, you’re not alone. More than half of Americans say they’ve experienced hate [Jessica Guynn, *USA TODAY*, 13 February 2019]

- More than half of Americans—53 percent—say they were subjected to hateful speech and harassment in 2018. And 37 percent reported severe attacks, including sexual harassment and stalking, according to a survey released Wednesday by the Anti-Defamation League, a nonprofit which tracks and fights anti-Semitism. For a third of Americans, online abuse was in response to their sexual orientation, religion, race, ethnicity, gender identity, or disability, the survey found.
- More than one in five respondents in the ADL survey reported being subjected to physical threats online and nearly one in five experienced sexual harassment (18 percent), stalking (18 percent), or sustained harassment (17 percent).
- Some of those surveyed said they were targeted because of their identity. Of those who experienced online harassment, 20 percent said it was the result of their gender identity, 15 percent the result of their race or ethnicity, 11 percent their sexual orientation, 11 percent religion, 9 percent occupation and 8 percent disability.

[If you’ve been harassed online, you’re not alone. More than half of Americans say they’ve experienced hate](#)

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Culture

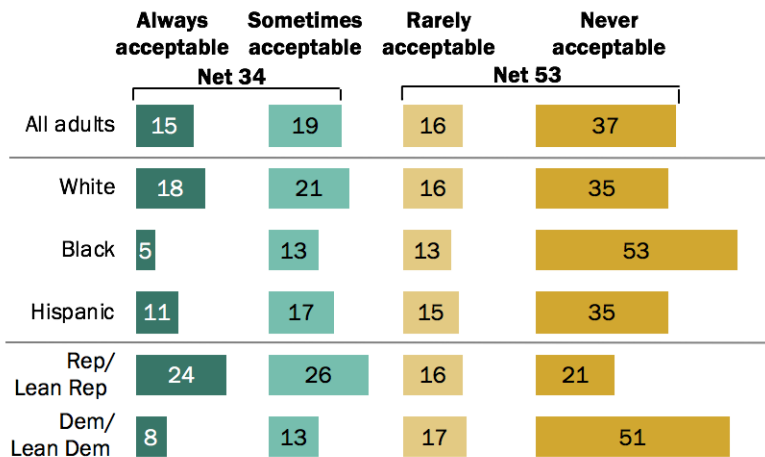
About a third of Americans say blackface in a Halloween costume is acceptable at least sometimes

By Anna Brown

Pew Research, February 11, 2019

White adults twice as likely as blacks to say using blackface for a Halloween costume is acceptable

% saying they personally think that a white person using makeup to darken their skin so they appear to be a different race as part of a Halloween costume is ...



Note: Nets are calculated prior to rounding. Share of respondents who answered “not sure” or who didn’t offer an answer not shown. Whites and blacks include those who report being only one race and are non-Hispanic. Hispanics are of any race.
Source: Survey of U.S. adults conducted Jan. 22-Feb. 5, 2019.

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vs. 19% of blacks. Hispanics fall in the middle, with 28% saying this is always or sometimes acceptable.

Among whites, those younger than 30 are far less accepting of the use of blackface. About a quarter of younger whites (27%) say it is at least sometimes acceptable for a white person to use makeup to darken their skin to appear to be a different race as part of a Halloween costume, but about two-thirds say this is rarely (23%) or never (41%) acceptable. Older whites are more divided, with roughly four-in-ten of those ages 30 and older saying this is acceptable at least sometimes, and about half or fewer in each group saying this is rarely or never acceptable.

Acceptance of blackface also is more common among whites without a college degree. While 44% of whites with some college or less education say this is always or sometimes acceptable, 28% of whites with at least a bachelor’s degree say the same.

Majorities of black Americans with or without a college degree say this is rarely or never acceptable. Black college graduates are less likely than those with some college or less education to say the use of blackface can be acceptable (9% vs. 21%).

There also are wide partisan gaps in views of whether it’s ever acceptable for whites to use makeup to darken their skin to appear to be a different race as part of a Halloween costume. About half of Republicans and those who lean toward the Republican Party (51%) say this is acceptable at least sometimes, with about a quarter (24%) saying it’s *always* acceptable; 37% of Republicans say this is rarely or never acceptable.

A slight majority of Americans (53%) think it is generally unacceptable for a white person to use makeup to darken their skin to appear to be a different race as part of a Halloween costume, including 37% who say this is *never* acceptable. About one-in-three (34%) say this is always or sometimes acceptable, according to a recent Pew Research Center survey.

The survey was conducted almost entirely before [news broke](#) about Virginia Gov. Ralph Northam and other high-profile politicians who have been accused of wearing blackface as part of costumes when they were younger.

White adults are about twice as likely as black adults to say the use of blackface as part of a Halloween costume can be acceptable: 39% of whites hold this view

<http://www.pewresearch.org/fact-tank/2019/02/11/about-a-third-of-americans-say-blackface-in-a-halloween-costume-is-acceptable-at-least-sometimes/>

By contrast, a majority of Democrats and Democratic leaners (67%) say blackface is not acceptable, with about half saying it's *never* acceptable; 21% of Democrats say this is always or sometimes acceptable. Black and white Democrats hold similar views on this. There are not enough black Republicans in the sample to analyze separately.

Majority of Americans say wearing another culture's traditional dress as a costume is acceptable

% saying they personally think that a person wearing traditional dress from a country or culture other than their own as part of a Halloween costume is ...

	Always acceptable	Sometimes acceptable	Rarely acceptable	Never acceptable
All adults	26	32	15	13
White	31	35	14	10
Black	14	28	17	22
Hispanic	20	26	17	15
Rep/ Lean Rep	40	32	10	6
Dem/ Lean Dem	17	32	18	18

Note: Nets are calculated prior to rounding. Share of respondents who answered "not sure" or who didn't offer an answer not shown. Whites and blacks include those who report being only one race and are non-Hispanic. Hispanics are of any race.

Source: Survey of U.S. adults conducted Jan. 22-Feb. 5, 2019.

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acceptable at least sometimes, a smaller share of Democrats (49%) say the same. White Democrats are more accepting of this than black Democrats: 54% of white Democrats say this is always or sometimes acceptable, compared with 39% of black Democrats.

The survey, conducted Jan. 22 to Feb. 5, 2019, includes an [oversample of black and Hispanic respondents](#) to provide more reliable estimates of those segments of the population. The overall data are weighted to provide a balanced representation of the U.S. population as a whole.

Note: See [full topline results](#) and methodology [here](#).

SEE ALSO:

- [Pew: One-third in new survey say wearing blackface for Halloween is acceptable](#) [The Hill, 2019-02-11]
- [Before multiculturalism, blackface rampant in US pop culture](#) [The Associated Press, 2019-02-10]
- [Push to honor black tennis star comes amid blackface scandal](#) [The Associated Press, 2019-02-10]
- [Blackface scandals highlight U.S.'s troubled racial past - and present](#) [Reuters, 2019-02-07]

The survey, part of a larger study to be released later this year about issues related to race, ethnicity and identity, also asked whether it's ever acceptable for someone to wear traditional dress from a country or culture other than their own as part of a Halloween costume. About six-in-ten Americans (58%) say this is always or sometimes acceptable, while about a quarter (27%) say it's rarely or never acceptable. Here, too, there are differences across racial and ethnic lines and between Democrats and Republicans.

Most whites (65%) say it is always or sometimes acceptable for someone to wear traditional dress from a country or culture other than their own as part of a Halloween costume; 41% of blacks and 46% of Hispanics say the same. And while 72% of Republicans say this is

Push to honor black tennis star comes amid blackface scandal

By Denise Lavoie

The Associated Press, February 10, 2019



In this Jan. 27, 2019, photo traffic passes by the statue of Confederate General Stonewall Jackson at the intersection. Traffic passes by the statue of Confederate General Stonewall Jackson at the intersection of Monument Avenue and The Boulevard in Richmond, Va., Sunday, Jan. 27, 2019. A city councilwoman and others are attempting to get the Boulevard named after tennis star Arthur Ashe. (AP Photo/Steve Helber)

RICHMOND, Va. (AP) — A movement to rename a Richmond, Virginia, thoroughfare for groundbreaking black tennis player Arthur Ashe Jr. is cresting just as the state finds itself in turmoil over a blackface scandal involving the governor and attorney general.

The man behind the street renaming says the confluence of the two unrelated developments involving race and history could become an opportunity to start a conversation about race at a pivotal time.

“If we can rename the Boulevard after him, it would be a huge cultural step forward. This is where we can start with reconciliation and we can start talking about the issues,” says Ashe’s nephew, David Harris Jr.

“It would be an opportunity for the City Council to be leaders on this. We know what’s going on down the street at the state Capitol. This would be a way for the City Council to say, ‘We want to show you the way.’”

Ashe’s once-segregated hometown boasts an athletic center named after him, and a bronze sculpture of Ashe sits among Richmond’s many Confederate statues. But a proposal to rename a historic street for Ashe has been defeated twice since his death in 1993.

A third proposal comes before the City Council for a vote Monday amid [the blackface scandal](#).

Leaders throughout Virginia’s political structure have called on Gov. Ralph Northam to resign after a racist photo on his 1984 medical school yearbook page surfaced recently.

Northam apologized, initially saying he appeared in a photo showing one man in blackface and another wearing a Ku Klux Klan hood and robe. Northam did not say which costume he wore. The next day he said he no longer believed he was in the photo but acknowledged wearing blackface the same year to look like Michael Jackson in a dance contest.

Days after Northam’s admission, Attorney General Mark Herring was forced to acknowledge that he, too, wore blackface in the 1980s while trying to look like a rapper at a college party.

Meanwhile, for all of Richmond’s hometown pride in Ashe, repeated attempts to rename a city street after him have failed. Harris initially resurrected the idea of renaming the street after his uncle last year.

Called simply “Boulevard,” it’s a busy 2.4-mile (3.9-kilometer) stretch dotted with restaurants, museums and stately homes. Modeled after grand European boulevards in the late 19th century, Boulevard was designated as a state and national historic landmark in 1986.

At one end sits Byrd Park, with tennis courts where Ashe was denied access during his childhood because of segregation. The athletic center named for Ashe is also on Boulevard.

<https://apnews.com/c300dafec3a9444e88150d2e9a1eff92>

City Council member Kim Gray, whose district covers a portion of Boulevard, has sponsored the Ashe renaming ordinance.



David Harris Jr., nephew of tennis legend Arthur Ashe, and Richmond City Council member Kim Gray look over tennis courts where Ashe was denied access during his childhood because of segregation. (AP Photo/Steve Helber)

Some residents and business owners say they don't want to change the historic name. Others cite the inconvenience and expense of officially changing their address, including getting new letterhead and signs.

Harris and Gray say they understand those concerns but also believe racism may underlie some of the opposition.

"I find it hard to believe that people get that angry over stationery," said Gray, who said she's received racist emails over the proposal.

Longtime residents insist they have nothing but admiration for Ashe but believe there are better ways to honor him than legally changing the name of their street. A group called the Boulevard Coalition wants the Richmond History and Culture Commission to hold citywide community discussions about how to honor Ashe and then make a recommendation to the City Council.

The controversy comes at a time when Richmond, a one-time capital of the Confederacy, has been grappling with calls to remove Confederate statues. Richmond's Monument Avenue features statues of five Confederate figures, including Gen. Thomas "Stonewall" Jackson. Ashe's statue was erected among those rebel icons in 1996, but only after rancorous debate.

Harris said renaming Boulevard after Ashe would give Richmond a chance to shed its past image and show it has become a progressive city.

"We've celebrated things that have been associated with slavery for years. Well, let's celebrate equality, inclusion and diversity, as opposed to the slave picture we've had in Civil War history," Harris said.

Ashe was the first black player selected to the U.S. Davis Cup team and the only black man to ever win the singles title at the U.S. Open, Wimbledon and the Australian Open. He was also well-known for promoting education and civil rights, opposing apartheid in South Africa and raising awareness about AIDS, the disease that eventually killed him.

Richmond Mayor Levar Stoney urged the City Council last month to approve the change, calling Ashe "one of Richmond's true champions."

A 2004 city ordinance says street names indicated on city maps for 50 years or longer should only be changed under "exceptional circumstances." Gray and Harris say they believe naming Boulevard after Ashe is one of those circumstances.

But City Council member Parker Agelesto, whose district covers part of the street, said his constituents favor an "honorary renaming" that keeps Boulevard as the street's official name.

"Nobody wants this to be controversial, and Arthur Ashe is not a controversial figure," Agelesto said. "The question is: How do you make it successful for all parties involved?"

SC town honors black WWII vet 7 decades after brutal beating

By Christina L. Myers

The Associated Press, February 9, 2019



The Blinding of Isaac Woodard historical marker was dedicated in Batesburg-Leesville, S.C., on Saturday, Feb. 9, 2019. The bottom portion of the marker is written in Braille. (AP Photo/Christina Myers)

BATESBURG-LEESVILLE, S.C. (AP) — A South Carolina town has honored the memory of a black WWII veteran whose 1946 beating at the hands of a white police chief left him permanently blind and helped spur President Harry Truman’s drive to integrate the U.S. military.

Distinguished guests and members of Sgt. Isaac Woodard’s family gathered Saturday for a private ceremony before moving to the narrow streets of small-town Batesburg-Leesville for the unveiling of the “Blinding of Isaac Woodard” historical marker, which is located at the site of the old police station where the beating occurred.

Inside the intimate gathering of about 80 guests, U.S. Rep. Joe Wilson, Brig. Gen. Milford H. Beagle, Jr. and other officials sat among family members and heard about the lasting impact Woodard’s tragic encounter with an officer decades ago has left on the town and family members.

Hours after being honorably discharged from the Army in February 1946, Woodard was removed from a Greyhound bus in Batesburg and beaten by the town’s white police Chief Lynwood Shull. Woodard, 26, was still in his uniform. Police officers accused and arrested Woodard for drunken and disorderly conduct. The attack drew the attention of the NAACP, whose representatives met with Truman to discuss the treatment of African-American soldiers returning home after war.

After little was done following Woodard’s beating, federal prosecutors charged Shull with violating the decorated former soldier’s civil rights, but Shull was later found not guilty by an all-white jury. Woodard eventually went back home to New York, where he spent the remainder of his life until his passing in 1992.

Robert Young, Woodard’s 81-year-old nephew, said his uncle rarely spoke about the incident, and said their relationship grew closer as he worked alongside him in the following years up until his passing.

“You’ll always be an inspiration to many around the nation,” Young said of his uncle with tears in his eyes. “But most of all, you will always be my uncle.”

Batesburg-Leesville Mayor Lancer Shull, of no relation to the former chief, said Saturday’s dedication should inspire other towns to have a conversation about racism deeply entrenched in the roots of a Jim Crow past.

“This should be an inspiration to pull those rugs out and sweep up what has been under there for years,” Shull said. “This lets people know love will always overtake hate over time. Love will always win out.”

Many officials in attendance echoed the significance of a southern town [facing its past](#) and setting right those wrongs. State Rep. Jerry Govan of Orangeburg said it’s important for people to accept and acknowledge these moments in history in order to learn and not make the same mistakes of the past. U.S.

<https://www.apnews.com/4ed0a7e39eb6454b9a8be2b82fc46d7b>

Rep. Joe Wilson said the beating had a significant impact on the country due to individuals having to address the injustice faced by Woodard.

Frostburg State University professor Andrew Duncan said Saturday's dedication was surreal and a different Batesburg-Leesville than he knew growing up in the town.

"I never expected to see anything like this," Duncan said. "This sort of reconciliation needs to happen in a lot of places, and not just in terms of historical markers but in terms of our political discourse too."

Beagle, the African-American Commanding General of Fort Jackson, said Woodard's pain due to intolerance paved the way for Beagle to rise through the ranks into the position he's in today.

"In my heart I believe he would think his sacrifice was worth it, creating the conditions that paved the way for an integrated Army," Beagle said. "He helped build the bridge that many like me used to cross the river of inequality, injustice and prejudice."

Isaac Woodard's criminal charges were dismissed last year. A portion of the marker is engraved in braille.

Discrimination

<https://www.usatoday.com/story/news/2019/02/13/study-most-americans-have-been-targeted-hateful-speech-online/2846987002/>

If you've been harassed online, you're not alone. More than half of Americans say they've experienced hate

By Jessica Guynn

USA TODAY, February 13, 2019

Harassment. Physical threats. Bigotry. Hate has become an almost unavoidable fact of life on the internet.

More than half of Americans – 53 percent – say they were subjected to hateful speech and harassment in 2018. And 37 percent reported severe attacks, including sexual harassment and stalking, according to a survey released Wednesday by the Anti-Defamation League, a nonprofit which tracks and fights anti-Semitism. For a third of Americans, online abuse was in response to their sexual orientation, religion, race, ethnicity, gender identity or disability, the survey found.

"This is an epidemic and it has been far too silent," said Adam Neufeld, ADL's vice president of innovation and strategy. "We wanted to understand the extent of it and the impact of it."

The results seem to show a sharp increase from the 18 percent of Americans who reported online harassment in a [2017 survey](#) by the Pew Research Center, and that startled Neufeld.

"This was significantly worse than we expected," he said.

The ADL survey is the most recent to capture a growing wave of toxic rage that's traumatizing internet users and normalizing deeply offensive points of view that would otherwise be relegated to the darkest corners of the internet. Swarms of attacks, often anonymous, feed off a tense and polarized political climate in which [inflammatory social media posts](#) can draw attention and spread quickly.

Threats online can spill over into real-world violence and turn deadly. Robert Bowers, who [allegedly killed 11 people](#) at a Pittsburgh synagogue in 2018, regularly posted anti-Semitic and neo-Nazi propaganda on Gab, a social network frequented by right-wing extremists. Cesar Sayoc, who's accused of mailing homemade explosive devices last year to critics of President Donald Trump, [made repeated threats](#) against public figures on Twitter.

More than one in five respondents in the ADL survey reported being subjected to physical threats online and nearly one in five experienced sexual harassment (18 percent), stalking (18 percent) or sustained harassment (17 percent).

Some of those surveyed said they were targeted because of their identity. Of those who experienced online harassment, 20 percent said it was the result of their gender identity, 15 percent the result of their race or ethnicity, 11 percent their sexual orientation, 11 percent religion, 9 percent occupation and 8 percent disability.

The reverberations can linger long after online attacks. Thirty-eight percent of the individuals surveyed who experienced online hate or harassment said they curtailed or changed their online habits while 18 percent tried to contact the social media platform, 15 percent took steps to protect themselves and 6 percent contacted the police to ask for help or report the harassment.

The millions of hateful posts and videos polluting their platforms represent one of the most pressing challenges for Facebook, Twitter, Google's YouTube and other technology companies. Measures such as hiring thousands of moderators and training artificial intelligence software to root out online hate and abuse have not yet solved the problem. Algorithms still struggle to accurately interpret the meaning and

<https://www.usatoday.com/story/news/2019/02/13/study-most-americans-have-been-targeted-hateful-speech-online/2846987002/>

intent of social media posts while moderators, when reviewing posts, frequently stumble, too, missing important cultural cues and context.

The overwhelming majority of respondents to the ADL survey, regardless of political affiliation and whether they have personally been harassed, said they want lawmakers and technology companies to take more aggressive steps to counter online hate and harassment and keep users safe.

Some 80 percent of those surveyed believe government should strengthen laws against online hate and harassment and improve training and resources for law enforcement. Three-quarters of them want tech companies to make it easier to report hateful content and behavior and 81 percent want companies to provide more ways to filter out the content. Most Americans say tech companies should label comments and posts that appear to come from automated accounts or "bots."

"What gives the ADL hope is that there is a wide cross section of Americans who want to deal with this problem and want real action from government and from tech companies," Neufeld said.

The ADL survey of 1,134 Americans was conducted in December by YouGov, a public opinion and data analytics firm. It found:

- Identity-based harassment was most common against LGBTQ+ individuals, with 63 percent of LGBTQ+ respondents experiencing harassment because of their sexual orientation. Religious-based harassment was common against Muslims (35 percent) and Jews (16 percent). Race-based harassment was reported by 30 percent of Hispanics or Latinos, 27 percent of African-Americans and 20 percent of Asian-Americans.
- Women also reported harassment disproportionately: 24 percent of female respondents versus 15 percent of men.
- Online hate and harassment was prevalent across all age groups, but younger Americans reported higher rates, with the majority of 18- to 29-year-olds (65 percent) experiencing it in some form and 49 percent reporting severe harassment.
- Of all those who reported being harassed online, more than half – 56 percent – said at least some of that harassment took place on Facebook, 19 percent on Twitter, 17 percent on YouTube, 16 percent on Instagram, 13 percent on WhatsApp, 11 percent on Reddit and 10 percent on Snapchat. Instagram and WhatsApp are both owned by Facebook.
- Among regular users of these internet platforms, meaning they use them daily, nearly half of Twitch users said they have experienced harassment, 38 percent of Reddit users, 37 percent of Facebook users and 36 percent of Discord users.
- Americans' increasing awareness of and exposure to online hate and harassment is influencing how they see society. More than half of Americans (59 percent) say that online hate and harassment are increasing hate crimes. More than a third say that online hate and harassment are making young Americans lose faith in the country. Thirty percent said hateful speech and behavior are making it harder to stand up to hate. Some 22 percent of Americans surveyed also said they feel less safe in their community as a result of online hate. Reported hate crimes [increased 17 percent](#) in 2017, the third straight year that such crimes rose, according to the FBI.

<https://www.bloomberg.com/news/articles/2019-02-12/pentagon-fails-to-act-on-woman-who-says-complaint-cost-her-job>

Pentagon Fails to Act on Woman Who Says Complaint Cost Her Job

By Anthony Capaccio

Bloomberg, February 12, 2019

The Pentagon has yet to decide on any disciplinary action 13 months after its inspector general backed allegations against Leidos Holdings Inc. for retaliating against a woman who had complained of a hostile work environment at a subcontractor.

The whistle-blower was dropped from a follow-up subcontract in April 2016 after she filed complaints with the Pentagon and Leidos that a supervisor made “inappropriate sexual and racial comments to her,” according to a heavily redacted Jan. 3, 2018, inspector general’s report. “We found that” Leidos “had motive to exclude” her, according to the report.

The inspector general recommended that then-Defense Secretary Jim Mattis “consider appropriate action against Leidos,” such as ordering the company “to award compensatory damages, including back pay, employee benefits and other terms and conditions of employment” that would have applied had she been hired on the additional contract.

Asked why the case remains in limbo, Air Force Lieutenant Colonel Mike Andrews, a spokesman for chief weapons buyer Ellen Lord, said in an email: “Since this specific case is currently under legal review, the department will not comment on the DoD OIG’s finding. The department remains committed to ensure that anyone can report without fear of reprisal or retribution.”

Melissa Lee Koskovich, a senior vice president at Leidos, said in an email that “given the ongoing nature of this legal matter, we are unable to comment.”

‘Diversity and Inclusion’

In a policy statement on its website, the Reston, Virginia-based company says “we believe diversity and inclusion create cohesive and collaborative teams” and shape “how we recruit talent.” Forbes Magazine listed Leidos as No. 159 last year on its rankings of the 250 “Best Employers for Diversity.”

The inspector general’s office still “stands by our report and our finding that Leidos” retaliated against the woman who complained, spokesman Bruce Anderson said in an email. “The Department of Defense is still considering its decision with respect to” the finding, he said.

The inspector general’s report deleted names and titles of the whistle-blower, the person she complained about and subcontractor she worked for.

Leidos is No. 16 among U.S. defense contractors, with \$2.8 billion in 2017 defense contract obligations, according to data compiled by Bloomberg Government. The company provides the Pentagon and the Department of Homeland Security with scientific, engineering, systems integration, cybersecurity and technical services expertise.

U.S. judge sees problems in Harvard Asian-American bias case

By Nate Raymond

Reuters, February 13, 2019

BOSTON - A federal judge weighing whether Harvard University discriminates against Asian-American applicants said on Wednesday both the Ivy League school and a non-profit suing it faced potential problems in proving their positions.

U.S. District Judge Allison Burroughs in Boston gave the assessment while hearing a final round of arguments in the case, whose outcome could have implications for other U.S. colleges that consider race as a factor when selecting students.

Burroughs asked why Students for Fair Admissions (SFFA), which was founded by anti-affirmative action activist Edward Blum, called no students during a trial that ended in November who could claim Harvard rejected them because of their race.

She also asked Harvard's lawyers what she should make of statistics SFFA presented showing Asian-Americans received a "penalty" compared with other groups on a subjective "personal" rating measuring an applicant's likability and grit.

"They have the victim problem, but you guys have that personal rating," Burroughs said.

Legal experts have said the case has the potential to reach the U.S. Supreme Court, giving the newly cemented five-member conservative majority a chance to bar the use of affirmative action to help minority applicants get into college.

In previous rulings on affirmative action, which aims to offset historic patterns of racial discrimination, the Supreme Court has allowed colleges to include race as one factor among others in assessing applicants.

SFFA alleges Harvard went further than allowed by engaging in "racial balancing" and keeping Asian-American admissions in the years before SFFA sued in 2014 at or under 20 percent annually.

The U.S. Justice Department under Republican President Donald Trump has backed SFFA's case, saying Harvard has not seriously considered race-neutral approaches to admissions. It has also opened a related investigation.

Adam Mortara, SFFA's lawyer, argued that while Asian-Americans outperformed other groups on academic measures, they received low "personal" rating scores due to "racial stereotyping."

"The law and common sense tell us skin color has nothing to do with your personal qualities or likability," he said.

Harvard's lawyers denied the charge and said that while it does consider race as an admissions factor, it does so legally and not in the "personal" ratings.

William Lee, a lawyer for Harvard, argued SFFA's real goal was to "change the law" to bar any consideration of race, which would cause a "drastic" drop in black and Hispanic students on campus.

"That result would be wrong legally," he said. "It would be wrong morally."

Reporting by Nate Raymond in Boston; Editing by Peter Cooney

Diversity

Barbie introduces dolls with wheelchairs and prosthetic limbs

By Michelle Lou and Brandon Griggs
CNN, February 12, 2019



Barbie released this photo of dolls in its new Fashionistas line. (Courtesy Mattel)

Barbie's new looks could help fight the stigma around physical disabilities.

In June, Barbie will debut a doll with a prosthetic leg and another that comes with a wheelchair.

The new dolls are part of Mattel's 2019 Barbie Fashionistas line, which aims to offer kids more diverse representations of beauty.

"As a brand, we can elevate the conversation around physical disabilities by including them into our fashion doll line to further showcase a multi-dimensional view of beauty and fashion," Mattel said in a statement.

Mattel collaborated with Jordan Reeves, a 13-year-old disability activist who was born without a left forearm, to create the doll with the prosthetic limb, which can be removed for a "more realistic" play experience. The toymaker also worked with [UCLA Mattel Children's Hospital](#) and wheelchair experts to design a wheelchair, which the company said has been one of the most requested accessories from Barbie fans.

"While there are many types of wheelchairs, this chair is modeled after one that is designed for an individual who has a permanent physical disability," Mattel said in a statement.

The company will include a Barbie DreamHouse-compatible ramp with the wheelchair.

The dolls' new looks are a hit with disability rights activists.

It's symbolic that "a big icon of society like Barbie now demonstrates or shows that there are different types of people ... [who] can be attractive and something kids want to play with," said Curt Decker, executive director of the National Disability Rights Network.

Decker said he hopes the new dolls can remove stigmas surrounding disabilities and show kids that there is "nothing wrong" with people who have them.

More than 1 billion people in the world have a disability, according to Jennifer Laszlo Mizrahi, president of RespectAbility, an advocacy group for people with disabilities.

"We want to see ourselves reflected in the culture, toys, products and everything around us," Mizrahi said. "Barbie joins a number of powerful companies who also understand that marketing, and including, people with disabilities is both the right thing to do and the profitable thing to do."

Other dolls in the 2019 Fashionistas line offer a variety of appearances, including braided hair texture and more realistic body types (smaller bust, less defined waist and more defined arms).

It's part of a recent effort by Barbie to incorporate more diversity by offering dolls with different skin shades, eye colors, hairstyles and clothing. Mattel in 2017 introduced the [first Barbie to wear a hijab](#), and the toymaker is [considering creating a same-sex Barbie wedding set](#).

How to Make Inclusivity More than Just an Office Buzzword

By Drew Calvert, Kellogg School of Management
Government Executive, February 8, 2019



(Shutterstock.com)

Most leaders would say they value diversity in their organizations. Some do so for strategic reasons, perhaps to mirror their diversifying customer base; others value diversity because it is the right thing to do. Yet for many companies, gaps can appear between rhetoric and action. And even those that succeed in establishing diverse organizations can fall short when it comes to inclusion.

After all, having employees with a wide array of backgrounds does not ensure that everyone feels equally welcome and valued.

That’s why focusing on both diversity and inclusion is crucial, explains [Ellen Taaffe](#), an assistant professor of leadership and director of women’s leadership programs at the Kellogg School.

“Inclusion is about welcoming, developing, and advancing a diverse mix of individuals,” says Taaffe. “It’s about making all people feel valued, including changing practices that might unfairly benefit any one group, and making sure that everyone feels they have the same opportunity to advance and make an impact. Creating that environment is where the real challenge lies.”

Taaffe describes four key elements for leaders to keep in mind when building a more inclusive workplace.

Learn Your Blind Spots

Implicit bias is universal. We all have unconscious biases or autopilot behavior that guides our mindset and actions. Uncovering those blind spots can give us the power to choose how we interact and operate in a more deliberate, conscious, and inclusive manner.

Leaders often reveal their bias by giving more attention to people with whom they share race, gender, or any other aspect of their identity, such as “engineer,” “Florida Gator,” or even “marathon enthusiast.”

For instance, [research](#) by Kellogg’s Lauren Rivera suggests that decision-makers often assess others’ merit in ways that validate their own skills and backgrounds. If, say, they attended an elite school, they may be more likely to value this quality in others. They also prefer employees who “pass the airport test,” meaning they’re someone with whom they would enjoy being stranded at the airport—which often means someone a lot like them.

Taaffe says one can recognize this—and counteract the adverse effects—without spoiling the natural social dynamics of an office.

“Self-awareness is critical, because you don’t want to unwittingly advantage someone just because they went to your school, or share the same gender or race as you,” she says. We may think of these traits as making someone a good fit for a role or promotion, “but it really just means ‘they’re more like me.’”

The more leaders become aware of their own implicit bias, the more they can disrupt their default settings when making decisions. They can also lead by example.

<https://www.govexec.com/excellence/promising-practices/2019/02/how-make-inclusivity-more-just-office-buzzword/154734/>

“When leaders model self-awareness of bias, it sends a powerful message,” Taaffe says. “Sometimes that means being a little vulnerable, which isn’t easy. But ultimately you want to demonstrate that we all have biases and that actively managing them is a priority in order to lead well and bring out the best in each team member.”

When it comes to understanding bias, there is no shortage of available tools, from books, training sessions, and online videos to the implicit bias test. When understanding bias is prioritized through team training, colleagues can begin to build a common language and shared commitment to interacting in new ways.

Keep Inclusion on the Agenda

In addition to being open about biases and how to overcome them, leaders should frame inclusion as an opportunity for both employees and the company’s bottom line. Some employees may be more receptive to personal or moral arguments than others, which is why Taaffe recommends making the business case for inclusion.

“The message is clear: this will help all of us because it will open us up to new ideas and help us think differently. You might not need this with every group, but it’s good to have proof points just in case, to offset the concerns people might have. As disruption occurs across industries, new ideas are needed from more diverse perspectives to be more innovative and competitive in our rapidly changing world.”

Taaffe points to Indra Nooyi, former CEO of PepsiCo, as an example of a leader who encouraged people to embrace inclusion by presenting it as a growth opportunity. In Nooyi’s case, the emphasis was on appreciating different cultures, but the same principle applies to race, gender, or any other difference that enables a company to better reflect and understand their market.

“If you can get people excited about hearing diverse points of view, that’s a step in the right direction. Because that’s what inclusion is about: getting different ideas in the mix.”

Study the Data

Of course, it’s critical to understand your current situation to inform your desired future state. It is also important to know exactly what kind of change you are driving, and why.

If a leader begins arbitrarily implementing policies that are meant to be more inclusive of women—gender-neutral resumes, mentoring programs, flexible hours—without first studying how the current policies affect actual women in the company, there is a lesser chance of long-term success.

“It’s strategy before tactics,” Taaffe says. “Yes, you want to question the logic of ‘this is the way it’s always been done’ and take steps to do things differently. But again, you want to connect this to your company values and see where you’re coming up short. If you value inclusion, define the behaviors that support that. Are you delivering on what you say you value?”

A good way to find out is to study the data. Just as a company with a reputation as a leader in product innovation would want to determine how they can most successfully launch new products, a company that aspires to be more inclusive should look at its numbers around recruitment, retention, engagement, and promotion.

If women are being hired at entry level at the same rate as men, but few of them reach senior positions, that might suggest that women are given fewer opportunities for advancement than men. If the pipeline narrows above manager, dig into what discrepancies and systemic issues may exist.

<https://www.govexec.com/excellence/promising-practices/2019/02/how-make-inclusivity-more-just-office-buzzword/154734/>

Take, for example, the CEO of Salesforce, Marc Benioff. When Benioff heard that Salesforce had a pay gap between men and women, he didn't get defensive. He simply asked HR for the data, and was surprised to realize there was a gap that he eventually closed.

But Taaffe is quick to reiterate that numbers never tell the whole story. Leaders should also tap into engagement surveys, focus groups, and exit interviews for feedback on people's experiences, as well as the impact of specific policies.

“If women are leaving, you'll want to know: where are they going, and why? Did they think they wouldn't get promoted? Did they get training and mentoring? How do the numbers look over time, and what are the factors driving these results? That's how you figure out your response.”

For example, if you discover that women were leaving because they were unsure about their career trajectories, you may want to dig into talent-development processes, including sponsorship and communications. So, boosting recruitment numbers would not solve this problem.

Set Clear Standards and Expectations

To truly walk the talk around inclusion, one thing every leader can do is develop clear standards and expectations—especially around performance.

“The more you can hold people to the same criteria tailored to specific objectives, the more inclusive you're likely to be,” Taaffe says. “Objective criteria helps everyone, since they'll know what's expected of them and where they are along the continuum.”

A key part of making this work is clarifying objectives, so that the question, say, of whether someone is working flex hours—either to care for a child or for some other reason—becomes a moot point: either they got the job done, or they didn't.

The power of objective standards is that they help leaders discuss performance and career trajectory in a way that doesn't involve non-work-related factors.

Women, for example, can be subjected to what is known as “protective bias”—the error of a well-meaning boss who projects ideas about work-life balance onto female employees. For instance, a boss might decide that a woman back from maternity leave is not right for an assignment or role due to its heavy workload, without consulting the woman on the decision. This kind of bias often prevents women from being offered critical ‘stretch’ assignments.

“It may seem well-intentioned, but it leaves the employee out of the discussion,” she says. “The more you can make performance reviews and developmental discussions about opportunities, skills, and experience—rather than some vague perception—the fairer the system and culture will be.”

Building that system might require asking difficult questions about the organization's status quo, including the ways it advantages some and disadvantages others. “This is where a leader needs the courage to say ‘inclusion matters.’”

Drew Calvert is a writer based in Los Angeles. This piece was [previously published](#) in Kellogg Insight. It is republished here with permission of the Kellogg School of Management. It is based on Insights from Ellen Taaffe.

<https://www.stripes.com/news/marcelite-harris-the-first-african-american-woman-to-serve-as-a-two-star-general-is-buried-at-arlington-1.568330>

Marcelite Harris, the first African-American woman to serve as a two-star general, is buried at Arlington

Stars And Stripes, February 12, 2019



Marcelite Harris was the Air Force's first female African-American major general. (U.S. Air Force)

Marcelite Harris, who was the first female African-American major general, was buried last week with a tearful ceremony and a flyover at Arlington National Cemetery.

Harris died in September at age 75 and was buried at Arlington Thursday, [her obituary said](#). At the time of her retirement in 1997, she was the highest-ranking African-American woman in the U.S. military, according to the Air Force. She was also the first female aircraft maintenance officer, one of the first two female air officers commanding at the U.S. Air Force Academy and the first female deputy commander for maintenance.

“When doors were closed because of the fact that she was a woman, or a black woman, it rattled something in her, because she just saw herself as a military officer doing a job that was in front of her,” her daughter Tenecia Harris told [NBC Nightly News](#).

In a 2010 BET special, Harris recalled some of the discrimination she faced during her career.



The U.S. Air Force Honor Guard performs full military honors during the funeral of Marcelite Harris at Arlington National Cemetery, Arlington, Virginia, Feb. 7, 2019. (Rusty Frank/U.S. Air Force)

“They said, ‘A woman can’t do this job.’ Being told that I couldn’t do a job just because I was a woman? That was probably the silliest thing I ever heard.”

She was buried alongside her late husband, Maurice Harris, a retired lieutenant colonel. The couple had two children, Tenecia Harris and Lt. Col. Steven Harris.

New York City Public Schools Should Be Evaluated Based on Diversity, Not Just Tests, Panel Says

By Eliza Shapiro

The New York Times, February 12, 2019



Mayor Bill de Blasio, flanked by New York City Schools Chancellor Richard Carranza, right, delivers remarks about a diversity plan in Brooklyn. (Credit: Dave Sanders for The New York Times)

A high-level panel commissioned by Mayor Bill de Blasio called on the city to adopt a sweeping measure to address entrenched segregation in education: create diversity targets for all 1,800 schools so that their population reflects the racial and economic makeup of the surrounding areas.

Over the next five years, the panel recommended, elementary and middle schools should reflect the racial makeup of their local school district, and high schools should look as much like their local borough as possible, in terms of race, income level, disability and proficiency in English.

New York's schools have become increasingly divided along racial lines over the last two decades, and the city is currently home to one of the most segregated urban public school systems in America.

Mr. de Blasio, now in his second term, ran on a promise to reduce inequality in all aspects of city life. But, when it comes to school segregation, he has been stymied by the same quandary that previous mayors faced: How to redistribute resources so that black and Hispanic students have more access to high-quality schools without alienating middle class, white families.

New York's schools have been able to retain more white students than some other large public school systems across the country; in other cities, white students have fled to suburbs and private schools.

Mr. de Blasio has said he is troubled by the racial makeup of the city's schools, but he hasn't tackled the issue head on in his five years in office.

[The panel's report](#), which is being released on Tuesday, could provide a model for how families and politicians assess schools in New York City and urban school districts across the country, many of which are also grappling with segregated school systems.

Though New York City's school system is made up of nearly 70 percent black and Hispanic students and some school districts have an almost exclusively minority student body, recent waves of gentrification have diversified several local school districts, including parts of central Brooklyn, Upper Manhattan and western Queens. But an influx of middle class, often white, families have not integrated schools in those districts, leaving many overwhelmingly minority or white.

The panel's proposal, which puts schools on the hook to match district averages in race, class, and student ability, would change that.

Mr. de Blasio declined to comment on any specifics in the report, but said in a statement he would review the plan "in greater detail in the weeks ahead."

For the last decade, the city's schools were considered desirable if they had high student test scores, or other academic markers. What the panel is suggesting constitutes an additional way of rating schools, along with traditional academic measures.

<https://www.nytimes.com/2019/02/12/nyregion/ny-public-schools-diversity.html>

“The idea of a good school versus a bad school is based on these narrow assumptions,” including tests and attendance, said Matt Gonzales, a member of the group that issued the report and the director of New York Appleseed’s school diversity project. “We wanted to shift the narrative about how we measure school quality. Good schools are integrated schools.”

Mr. de Blasio has less than three years left in his term to take forceful action on school segregation, which has become the most pressing education issue in the city.

The report does not provide a clear road map to integration, and many of the particulars, including consequences for schools that do not meet diversity targets, would have to be worked out by the city’s top education officials.

“Our schools are best when they reflect the diversity of our city,” the mayor said. “This report marks crucial progress in turning that vision into reality.”

The working group, convened by City Hall in 2017, spent over a year preparing the report. It includes some of the mayor’s allies, including his former counsel Maya Wiley, along with over a dozen integration advocates and academics, as well as union officials and some supporters of charter schools.



Mr. Carranza enters P.S. 377 with kids from the school on the first official school day of the year. (Credit: Mark Abramson for The New York Times)

The group left many implementation details of its plan up to the mayor, though it is expected to release a second, more detailed, report before the end of the school year.

In a statement, Ms. Wiley said the group expects the mayor to execute at least some of its proposals.

“We look forward to the Chancellor’s and Mayor’s commitment to implementing these recommendations and will continue to make more recommendations to support schools that reflect who we are as a city,” she said.

Because of the city’s student demographics, full integration is all but impossible without some kind of transportation plan or the elimination of geographic districts to determine admission, measures the mayor has not supported. But even short of those changes, the group found that many schools can be significantly more integrated than they are today.

The city’s charter schools, which have overwhelmingly black and Hispanic student bodies, should be rewarded for creating diversity goals, according to the report.

One potentially important proposal is the creation of a chief integration officer, who would be responsible for holding schools to diversity targets and would oversee a broader integration effort.

In order to track how close schools are to diversity targets, the report suggests the city annually release the metrics used to judge schools’ integration efforts. The city’s existing school quality reports, which are designed to help parents select schools, should include diversity “as another measure of school performance,” according to the report.

Mr. de Blasio should also focus on integrating schools in neighborhoods that may have wealth disparities and segregated schools, the group said.

The report prompted the mayor to require nine such local school districts, including the Upper East Side, Ditmas Park in Brooklyn, Forest Hills in Queens and all of Staten Island, to come up with integration plans.

<https://www.nytimes.com/2019/02/12/nyregion/ny-public-schools-diversity.html>

Mr. de Blasio should also ask all 32 of the city's local school districts to consider whether their gifted and talented programs and schools that admit students using academic criteria are causing further segregation, the report suggests.

But the group stopped short of pushing for any citywide mandates that would require parents to choose more diverse schools or school rezonings that would force more racial and economic integration.

Mr. de Blasio has made clear that he wants to avoid mandates on integration, and [has said his experience growing up in Cambridge, Mass.](#) during the backlash to busing in Boston has informed that view.

The mayor has taken some incremental steps to boost diversity. Last year, [he set aside \\$2 million](#) to support local parent groups' efforts to draft their own integration plans, and he has approved a small-scale program for schools to set aside seats for students who are low-income, learning English or otherwise vulnerable.

Several local school districts have already come up with their own integration plans, and a few high-profile rezonings have brought some integration to schools in diverse neighborhoods. The mayor released a preliminary diversity plan in 2017, which included a target to increase the number of students in integrated schools by 50,000 over five years. But researchers found the city was likely to meet the goals in its plan even without any significant action.

The promise of the report's eventual release has been something of a crutch for Mr. de Blasio's administration — proof that the city was in fact working on a plan — but it may cause headaches for the mayor now that it actually exists.

Though the report focuses on suggestions rather than mandates, it puts the responsibility of integrating the system on Mr. de Blasio.

Mr. de Blasio has consistently avoided using the word “segregation” to describe the state of the city's schools, and has instead advocated for “diversification.” At times, he has described desegregation as a charge beyond the scope of the Department of Education, and even beyond his office.

“We're not going to put forward a plan that says we're going to instantly wipe away 400 years of American history,” [he said in 2017](#).

Miscellaneous

Air Force calls for culture change in bid to reduce suicides

By Brian Ferguson

Stars And Stripes, February 12, 2019

Air Force senior leaders issued a [memo](#) calling for a culture change after a total of 11 airmen and Air Force civilians died by suicide in the first four weeks of 2019.

The number of suicides within the ranks has remained relatively flat in recent years; however, the service wants to do more to bring the suicide rate down, stated a Feb. 5 memo signed by Secretary of the Air Force Heather Wilson, Chief of Staff of the Air Force Gen. David Goldfein and Chief Master Sgt. of the Air Force Kaleth Wright.

In January, five active duty airmen, four civilian employees, one Air National Guard member and one reservist died by suicide, according to data provided to Stars and Stripes by the Air Force.

In the first quarter of 2018, the Air Force had 11 servicemember suicide deaths, a Pentagon report found last year. The report did not include civilian deaths.

The memo urged airmen to work toward preventing suicide deaths by supporting one another and seeking assistance if needed.

“We need an Air Force culture where it is more common to seek help than to try to go at it alone,” the memo stated. “We expect each of us to know what resources are available, help those in need, and stand alongside our Wingmen throughout a crisis or challenge. No one is alone, and we are all valued members of our Air Force family.”

The memo comes as other services have struggled to limit suicides in their ranks in recent years.

The Navy, which is the only service that publishes its suicide rates online, has seen steady increases in its active-duty suicide rate since 2015. The online data dating back to 2006 shows that last year’s 68 active-duty Navy suicides marked the service’s highest number in more than a decade.

Meanwhile, the number of suicides and suspected suicides among active-duty Marines [hit a 10-year high](#), according to data from Marine Corps Manpower and Reserve Affairs.

The Marine Corps counted 44 verified and 13 suspected suicides in the active-duty force, and an additional 18 verified and suspected in the Reserve for a total of 75.

The Army lost 138 active-duty soldiers, 115 Army National Guard and 47 Army reservists to suicide. This marks almost no change from 2017, and an Army spokeswoman said last month that more work must be done to continue the service’s progress in reducing the numbers.

The Air Force recorded 101 servicemember and civilian employee suicides last year, consistent with the annual number for the past five years, which has hovered around 100.

The service’s leadership is not satisfied with “flat-lined” numbers and is committed to supporting airmen and their families with the aim of “never losing another Airman to suicide,” said Brig. Gen. Michael E. Martin, director of Air Force Resilience, in a statement.

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

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Army selects 15 PT studs for new Warrior Fitness Team

By Meghann Myers

Army Times, February 12, 2019



Staff Sgt. Gabriele Burgholzer lifts weights during try-outs for the Army Warrior Fitness Team on Feb. 9, 2019, at CrossFit Hard Knox in Radcliff, Kentucky. (U.S. Army Fitness)

The [Army Warrior Fitness Team](#) is looking to get the show on the road this spring with about a dozen members of the inaugural squad, selected Monday after a tryout near [Fort Knox, Kentucky](#), that began Saturday.

The team narrowed the field down to eight men and seven women over the two-day tryout, held at Hard Knox CrossFit in Radcliff, where they [lifted weights](#), walked on their hands and climbed ropes as part of their audition.

“Many people were very nervous going through the interviews, but everybody did extremely well,” 1st Sgt. Glenn Grabbs, the team’s noncommissioned officer in charge, said in a Monday [video on Facebook](#). “I couldn’t be prouder of all the people that participated.”

These soldiers made the final cut:

- 1st Lt. Chandler Smith
- Spc. Jacob Pfaff
- Capt. Brian Harris
- Staff Sgt. Neil French
- Capt. John Murphy
- Sgt. 1st Class Carlos Zayas
- Pfc. Jesse Coleman
- Capt. Deanna Clegg
- Capt. Kaci Clark
- Capt. Ashley Shepard
- Capt. Allison Brager
- Capt. Rachel Schreiber
- Sgt. 1st Class Anthony Fuhrman
- Spc. Justin Loy
- Staff Sgt. Gabriele Burgholzer

“It’s a dream come to true to be able to combine performing, competing, being an athlete and representing the Army to America,” Clegg, a 28-year-old logistics officer with the 16th Combat Aviation Brigade, told Army Times in a statement. “Being a part of a team like this will allow me to further grow and develop as a leader, as well as give me more confidence working with large groups of people in a public setting.”

<https://www.armytimes.com/news/your-army/2019/02/12/army-selects-15-pt-studs-for-new-warrior-fitness-team/>

In addition to high Army Physical Fitness Test scores and top-notch evaluation reports, Grabbs looked at past fitness competition standings and graded their communications skills.

“Beyond the physical abilities of each soldier, we interviewed to identify well-developed communication and social skills,” he said in a statement. “We asked each person to present themselves and tell us their Army story as if we knew nothing about the Army and who they were. We wanted to see if they were prepared to engage the public, not just in discussions about fitness, but who they are and why they serve.”

French, 27, an intelligence analyst based at Camp Humphreys, South Korea, told Army Times that he had been a longtime CrossFit enthusiast.

“Even before I joined the Army, I was a CrossFit coach, and I loved helping people train and get better,” he said. “Being able to be a part of this team, I’ll be able to skyrocket my abilities and help recruit for the Army and show what we have to offer.”

In addition to team workouts and traveling for fitness competitions, team members will share daily routines, fitness tips and more on social media channels and through streaming.

By engaging with the public online and at competitions, the hope is that the team will help attract athletic young Americans to service.

The assignment lasts for three years, and the soldiers will have to maintain MOS proficiency and hit their promotion milestones while part of the team.

Brager, 34, a research psychologist and chief of sleep research at the Center for Military Psychiatry and Neuroscience at the Walter Reed Army Institute of Research, said that her stint with the team would be a career-broadening assignment, which can also include stints at basic training or West Point, fellowships and other jobs outside of one’s military occupational specialty.

“My body of research for the Army is built around these tenets: high-level physical training, rest/recovery, injury prevention, and nutrition — and a search for biomarkers and strategies for enhancing human performance,” she said. “To do this for the ultimate benefit of the Army and Army recruiting is a dream come true.”

Commandos to Counselors: A response to the special operations forces mental health crisis [OPINION]

By John Hollis

Military Times, February 14, 2019



There is a growing mental health crisis among members of the U.S. Special Operations Forces community that is not being adequately addressed.

On Feb. 2, 2019, [CNN reported](#) that suicides among those currently serving with U.S. Special Operations Command tripled last year. Although data specific to SOCOM veterans is not currently available, a recent [study by the VA](#) found that, between 2005 and 2015, veteran suicides increased 25.9 percent.

While the precise scope of the problem among SOF veterans remains unclear, anyone with access to forums like the closed social media groups that serve as an ad hoc support system for the community can see that the situation is getting worse. The most effective solution to this national crisis requires the direct involvement of SOF veterans trained to provide mental health services to their comrades.

After leaving active duty and transitioning back to civilian life, many SOF veterans struggle with serious mental health issues, including post-traumatic stress and depression. In the context of this difficult transition from the battlefield to the home front, a mindset that fosters success in the world of special operations can become a double-edged sword. Fighting through injuries and ignoring pain to complete the mission may be what is required in the short term, but insistence on our own invincibility over the long term can prove fatal.

The bitter irony is that the nature of SOF training and the culture of hardened stoicism that pervades the SOF ethos make it particularly difficult for SOF veterans to ask for help when they need it. We have made it a troubling habit to mistake suffering in silence for the value of “quiet professionalism” that we seek to embody.

In 2015, recognizing the formidable barriers to seeking help within the SOF community, Gen. Joseph Votel (then commander of SOCOM) took the extraordinary step of speaking publicly about his own experience in counseling. Although Votel’s candor on this issue was a significant move in the right direction, the crisis continues to grow and more must be done.

Effective responses to the epidemic of suicide and related mental health problems in the SOF community can take many forms, but they will all share one indispensable element. The key is the direct involvement of SOF veterans stepping up to show our comrades that they should not be ashamed of the problems they are struggling with. The simple truth is that, because of the unique bonds shared by members of this community, many SOF veterans may only be willing or able to talk about the challenges they are facing with other SOF veterans. Our comrades may be the only people that we feel we can relate to. For that reason, SOF veterans who are trained in suicide prevention and crisis intervention can have enormous positive impact on this problem. That kind of training does not require an advanced degree. It can be obtained relatively inexpensively and in a short period of time.

This is a fight and the creeds that we live by dictate that we never go into a fight unprepared. As with any mission, we need to train, organize, and prepare in order to succeed. Interventions are already being

<https://www.militarytimes.com/opinion/commentary/2019/02/14/commandos-to-counselors-a-response-to-the-special-operations-forces-mental-health-crisis/>

undertaken on an informal basis through social networks of SOF veterans. But the impact and outcomes relating to this work can be significantly enhanced if members of the community obtain even a few hours of training from qualified professionals.

Creating a better-trained and organized response system within the SOF veteran community is a near-term goal that we can make significant progress on right away. Longer term, we should work toward the recruitment and training of SOF veterans to provide professional mental health services within the community on a sustained basis. This can be accomplished in a number of ways. In the public sector, we can press government at the federal, state, and local levels to recognize the need for differentiated mental health services tailored to the specific needs of SOF personnel and veterans. At the same time, private resources can be marshalled and directed towards research, training, and treatment.

Although there are many ways to approach this, there is a common goal that they all share. That is for every member of the SOF community to know that they are not alone in their fight against inner demons. For more information, please visit the [Commandos to Counselors Facebook page](#).

If you or someone you know is in crisis, the number for VA's Veterans Crisis Line is 1-800-273-8255.

Jon Hollis is a litigation partner in the Washington, D.C., office of the international law firm Loeb & Loeb LLP. Jon is the founder of the firm's pro bono Veterans Assistance Project, which has provided free legal services to veterans in the VA benefits claims process for over 10 years. Prior to attending law school, Jon served with the Army's elite 1st Battalion/75th Ranger Regiment and deployed multiple times to Iraq and Afghanistan.

Military Mulls Medical Personnel Cuts Even as Suicide Rates Rise

By Gina Harkins

Military.com, February 11, 2019



(U.S. Air Force illustration/Kathryn R.C. Reaves)

The Defense Department is weighing the option of cutting thousands of uniformed medical personnel, including psychologists and other mental-health professionals, even as military leaders grapple with rising suicide rates among troops.

With the National Defense Strategy pushing for a more lethal force, Pentagon leaders are [considering slashing as many as 17,000 uniformed medical corps](#) billets across all the services.

The move, which could go into effect in October 2020, would open more slots for troops in combat-arms specialties or other warfighting jobs.

Thousands of those uniformed personnel serve as psychiatrists, social workers, psychologists, counselors and nurses. And, as the number of active-duty troops taking their own lives [reaches a six-year high](#), military advocates say now is not the time to consider cuts to those fields.

"Suicide and mental health are our top priority at [Iraq and Afghanistan Veterans of America] because of the serious impact these issues are having on our community," said Jeremy Butler, the new chief executive officer for the organization, which represents and advocates for post-9/11 vets. "I am concerned about any cut in resources signaling that DoD is not making these matters as high a priority as we do."

Military officials stress that there is no immediate plan to cut those billets, though the review to trim the size of the overall medical corps is ongoing.

"Any reforms that do result will be driven by the Department's efforts to ensure our medical personnel benefits that service members, retirees and their families deserve," said Angel Lopez, a spokeswoman for the Air Force surgeon general.

Ed Gulick, a spokesman for Navy Medicine, said about a quarter of the Navy Department's 1,600 mental-health personnel are embedded with the Navy and Marine Corps fleets, and they hope to expand the program.

"Navy Medicine has found that embedding mental health providers directly into Navy and Marine Corps operational units has had a powerful effect on decreasing stigma and making care more accessible to our service members," he said.

Just waiting for sailors to get help at a hospital or clinic is a barrier to care, said Capt. Tara Smith, with the Navy's Suicide Prevention Branch. Embedding providers at the unit level moves the care closer to the troops in need, she added.

Still, suicide remains a serious problem across the active-duty force. Last year, 321 active-duty troops committed suicide, marking a six-year high. Fifty-seven Marines, 68 sailors, 58 airmen and 138 soldiers took their own lives.

<https://www.military.com/daily-news/2019/02/11/military-mulls-medical-personnel-cuts-even-suicide-rates-rise.html>

Despite efforts by military leaders to end the stigma that seeking help with mental-health problems will derail your career, problems still exist, said one wounded combat veteran. Since he currently works for a veterans service organization, he spoke on condition of anonymity so as not to appear to be advocating for changes to the medical corps.

While there are benefits to talking about military-related stressors with someone else in uniform, he said there's still the fear that it will later be used against you, which leaves some seeking help outside the military.

"That perception that it's going to affect your career is still real," he said. "And to be frank, I don't think the services know how the hell to fix the issue as it relates to mental health and suicide."

Service leaders say they remain committed to ending that fear. Chief of Naval Operations Adm. John Richardson told reporters last week that leaders will continue to try "every trick in the book to try and get this under control."

"It's such a difficult problem," he said. "... The [programs] that show the most hope are those where we really get down to small-unit cohesion so that our sailors all feel like, no matter what the situation they may be confronting -- a professional challenge, a personal challenge, whatever, that they are part of some kind of a team."

The Air Force, which Lopez said currently has about 1,600 uniformed mental-health professionals, is working toward an end goal of never losing another airman to suicide. Its suicide-prevention program is designed not only to provide maximum support to airmen and their families, but to commanders leading their troops as well, said Brig. Gen. Michael Martin, director of Air Force Integrated Resilience.

"It is about a culture of care and respect established by commanders and senior enlisted leaders that arms airmen at all levels with the training and tools for the decisive edge when their wingmen are in crisis," he said.

As the 2020 budget-planning process, which will decide the outcome for the number of billets the uniformed medical corps will see in the year ahead gets under way, Gulick said the goal is to balance support for the National Defense Strategy while also being responsible stewards of taxpayer dollars.

"Our priority remains to ensure our medical personnel are trained, equipped and ready to support the operational forces, while delivering outstanding care to our beneficiaries as we maximize our military and private-sector care network to provide timely access to great care," he said.

-- *Oriana Pawlyk contributed to this report.*

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The military's lingering readiness problem: Lack of daycare

By Leo Shane III

Military Times, February 8, 2019



Nelia McKeown, a Sitka Child Development Center child and youth program assistant, gives children toys to play with during playtime at Joint Base Elmendorf-Richardson, Alaska, Dec. 14, 2018.

Service officials told lawmakers this week that daycare availability on military bases directly effects troops' readiness. (Airman 1st Class Crystal A. Jenkins/Air Force)

WASHINGTON — Defense leaders told Congress Thursday that if they want to [improve military readiness](#), they have to think about [bettering military daycare](#).

“One common thread I hear at every fleet visit among sailors in all pay grades is accessibility and affordability of quality childcare,” Russell Smith, Master Chief Petty Officer of the Navy, told members of the House Appropriations Committee on Thursday. “Lack of available and affordable childcare is a national issue for our generation. And for our Navy, it is a critical readiness issue.”

“Any investment that you can throw our way that supports childcare facilities ... we're grateful to take that.”

The comments came at a hearing looking at quality-of-life issues for service members, part of [the annual budget process](#) on Capitol Hill.

Improving service equipment and readiness continues to be a top priority among lawmakers looking ahead at military spending next year.

But defense officials emphasized again that family support programs — and childcare in particular — are critical to keeping the force free of stress and focused on their missions.

“Readiness is a three-legged stool,” said Ronald Green, Sergeant Major of the Marine Corps. “We have unit readiness ... I have family readiness, and I have personal readiness. And every warrior tries to balance that same stool.

“If we can't get the quality-of-life part right because we're funding the war-fighting part, then we're suffering on the battlefield because I can't focus.”

The Army alone will spend nearly \$500 million on childcare costs this year, the largest single expense in [the service's family support](#) programs.

Defense officials testified that more than 8,000 children of sailors and 3,000 children of airmen are on Defense Department waiting lists for base daycare, which they acknowledged results in significant family stress. Army and Marine Corps leaders said they face less severe problems but still increasing demand for the services.

“In some places it is a strict capacity issue. We just don't have enough slots available,” said Kaleth Wright, Chief Master Sergeant of the Air Force. “But in many other places, ... we don't have the qualified staff.”

Solving that shortage may involve another lingering military quality-of-life concern: spouse unemployment.

<https://www.militarytimes.com/news/pentagon-congress/2019/02/08/the-militarys-lingering-readiness-problem-lack-of-daycare/>

Green and the other service officials said they are looking for ways to simplify the credentialing process for spouses with daycare experience, to get them working on military bases more quickly after family moves. For now, though, the process can still take up to year.

Lawmakers promised to keep the issue in mind as the budget process progresses. That's expected to drag on for most of the summer and fall, as Senate Republicans and House Democrats battle over military funding priorities.

The president's initial budget proposal, including his goals for family support program funding for fiscal 2020, is scheduled to be released in mid-March.



SEE ALSO:

[Vets could soon get free child care during medical treatment](#) [*Military Time*, 2019-02-08]

A new PFT: Why the Corps might adopt the Royal Marines' fitness tests

By Shawn Snow

Marine Corps Times, February 12, 2019



Marines walk across a rope bridge at Marine Base Camp Pendleton, California, Feb. 26, 2018. (Cpl. Erick Claros Villalta/Marine Corps)

“Formidable opponent.”

That was the phrase used recently by [Royal Marines](#) describing a training evolution aboard [Twentynine Palms, California](#) —

where [British](#) and American Marines were pitted against each other in a mock fight.

British tactical armored vehicles carrying mortar teams and commandos scoured the California desert landscape as they battled against American Marines, Harriers and drones.

“The Brits had a lot of capabilities that were near peer,” Lt. Jason Hunter, a U.S. Marine platoon leader, said in a press release. “They used air power, indirect fire and vehicles well — it really was a difficult problem they posed for us.”

The two groups of Marines share a common heritage dating back to the early Continental Marines, and over the past 20 years have spilled blood together as partners on battlefields in Iraq and Afghanistan.

But there’s always been the sense of a professional rivalry between the two maritime forces on who’s truly the most elite, and fittest, of the two services.

Now, the American Marines are looking to their fellow brothers and sisters across the pond for advice on overhauling their own fitness program — as an internal debate rages in the Corps on the best way to mold troops for combat: strength and short bursts of speed or muscular endurance and agility?

Over the past several years the Corps has been sending Marines to partake in or observe Royal Marine commando fitness training routines to better gauge changes to the Corps’ own fitness regimen and Force Fitness Instructor, or FFI, program.

Marine Corps Times has obtained several after-action reports spanning 2016–2018 that detail an internal debate among the Corps’ fitness gurus on the best way to build a Corps that can better withstand the physical rigors of combat.

Some of the after-action reports have made their way to the assistant commandant’s office, the sergeant major of the Marine Corps and the Force Fitness Division, highlighting the level of importance the Corps has placed on feedback and knowledge coming from lessons learned at the Royal Marine Commando course.

Staff Sgt. Richie Salinas and Staff Sgt Ray Anatoly, two American Marine FFIs, were among the first wave of U.S. Marines to fully attend the commando’s elite 17-week Physical Training Instructor program, or PTI.

Their advice to the Corps: It’s time to overhaul its fitness program. They say it would be better to move the Corps’ culture, which is overly focused on strength training and college athletics, to a regimen focused on

<https://www.marinecorpstimes.com/news/your-marine-corps/2019/02/14/a-new-pft-why-the-corps-might-adopt-the-royal-marines-fitness-tests/>

sustainable fitness that involves body weight exercises, routine assessments and builds muscular endurance and functional combat fitness.

Salinas and Anatoly, in their after-action report to the Corps, also called for an overhaul of the Marines' two annual fitness tests, the combat fitness test, or CFT, and the physical fitness test, or PFT.

Specifically, the two Marine staff noncommissioned officers recommended the Marine Corps replace the PFT with the Royal Marine Commando Fitness Assessment, which commonly is referred to as the bleep or beep test.

Their after-action report also called for the Corps to replace the CFT with a standardized timed obstacle course, and for the Marines to incorporate a Corps-wide practice of speed marches with 32-pound kits at a 10-minute mile pace.

The Corps' fitness program, Salinas argues, is "being pushed to more of a college athlete, where we are kind of straying away from the military aspect of training."

That's not to say the FFI program does not teach these skills, but Anatoly and Salinas say the Corps' fitness program needs a little more of a focus outside of the gym, with more real-world assessments to gauge overall fitness.

The Corps' FFI program is well-stacked with knowledgeable experts who are at the leading edge of sports science and injury prevention, but their program must take into mind the nearly 185,000 Marines, not all of whom are in combat-related occupations.

Even small changes to a fitness program can have major consequences.

The Royal Marines have a well-rounded program that has been around for over a decade, focused on - academics, injury prevention, functional combat fitness and body weight exercises that are easily sustainable in any environment. The program also focuses on combat conditioning and obstacle courses and speed marches with kit and weapon.

The commandos' reputation garnered the interest of the Commandant of the Marine Corps, Gen. Robert B. Neller, who in 2016 visited the Royal Marines to observe their fitness efforts.

"He and the Force Fitness Division team believe that there are, and will remain, many more opportunities to identify, assess, and adopt some best practices from other military units, sports teams, and athletic training communities to make Marines more fit, resilient, and prepared to accomplish the range of missions they are tasked to perform," Lt. Col. Eric Dent, a spokesman for the commandant, told Marine Corps Times in an emailed statement.

Moreover, the Corps has had an exchange program with the Royal Marines since at least 1972 to help lend expertise on fitness training at Marine Corps Officer Candidate School held aboard Quantico, Virginia.

This program was started before the Corps launched its own fitness instructor course.

"Since the inception of the FFI program, we have continued to look at the Royal Marines and the Royal Army for ideas on how to craft and tailor our FFI program," Force Fitness Division and Training and Education Command told Marine Corps Times.

To this day, OCS candidates are sometimes put through the Royal Marine bleep test, for general overall fitness, and not for score.

<https://www.marinecorpstimes.com/news/your-marine-corps/2019/02/14/a-new-pft-why-the-corps-might-adopt-the-royal-marines-fitness-tests/>

BLEEP TEST

The bleep test, sometimes called the beep test, is a fitness assessment for potential Royal Marine recruits. The test can identify fitness progression overtime and helps establish a fitness baseline for cardio, core and endurance.

It's an excruciating and arduous test, which took U.S. Marine Sgt. Armando Nava several months of cardio, planks and body-weight exercises to finally pass.

"Very few people like to work with their own body weight," Nava told Marine Corps Times.

Nava says he took the test to challenge himself and his own fitness.

He says the commando test isn't necessarily more challenging than the CFT or PFT, though. The American fitness test focuses on strength building that requires gym exercises, while the commando test works a lot with body weight and endurance training, Nava explained.

The test involves a shuttle run to help gauge VO2 max, which measures the amount of oxygen a person uses during an intense workout and provides an indication of potential physical aerobic endurance capability.

The assessment test also includes press-ups or pushups, and also includes pullups and situps. For the situps portion of the test, candidates must keep their hands on their temples, knees together at all times, and elbows must touch the top of the knees.

Each repetition is conducted at the sound of a beep, making it an intense test of muscular endurance and stamina. One after-action report reviewed by Marine Corps Times claimed this test is difficult to cheat on and "removes human error," unlike the Marine Corps PFT, which involves "personal interpretation" of the movement.

The beeps are key to the test and set the pace of the exercise. For pullups, when a beep is sounded, the candidate pulls up, then after the next beep they come back down. This causes the pullups portion to slow down, and causes a person to pause slightly at the top of the bar that they must hold until the next beep.

The beeps also make the test easy to judge and administer. If a candidate isn't keeping pace with the beeps and press-ups, it becomes fairly obvious to an instructor or observer.

"If they miss the beep it's pretty much stand up, you're done," Salinas explained, regarding the press-ups.

Royal Marine recruits also do a timed 2.4-km squad run, nearly 1.5 miles, and a 2.4-km best effort run.

United States Marines at OCS already perform the bleep test as a general part of fitness, and not for score.

But, two Marine Corps after-action reports have put a lot of stock in this test.

One report calls for the test to replace the PFT across the Corps, and another says at a minimum, the bleep test should be used as a baseline test for incoming Force Fitness Instructors in lieu of the PFT. Marine FFIs do run through the bleep test during the course, but Salinas says it's not for score, just overall fitness.

And while obstacle courses and speed marches with kit could be a better test of combat endurance than the CFT, it could prove to be a logistical and administrative nightmare.

For one, the Corps would need to ensure it had a standardized obstacle course across the force. That also means potentially building new obstacle courses on joint military bases where a course might not be available, or transporting Marines to a base that has an obstacle course.

<https://www.marinecorpstimes.com/news/your-marine-corps/2019/02/14/a-new-pft-why-the-corps-might-adopt-the-royal-marines-fitness-tests/>

There is also the potential for increased injury from such a rigorous fitness routine. However, one after-action report argues the Royal Marines use arduous fitness sessions to build stronger bodies and prevent injuries.

But, what currently works for the Royal Marines may also be hard to replicate for the Marine Corps. They Royal Marines are only about 7,000 strong, making it a bit easier for PTI instructors to manage fitness routines across the force. The U.S. Marine Corps is nearly 185,000 strong.

Brian Schilling, a professor of kinesiology and nutrition sciences at the University of Las Vegas, Nevada, said he agreed with a lot of the fitness recommendations in the after-action reports but took issue with a focus on body-weight exercises.

“They are easier to do in large groups, but there is “body weight bias” that allows smaller, lighter Marines to perform better,” Schilling said.

That bias goes away when Marines are wearing kit, he explained.

“We fight wars in kit, not in T-shirts,” Schilling said.

But that criticism can be directed at the Corps too. Marines conduct both annual fitness tests without kit.

Royal Marines incorporate kit in many of the obstacle courses and marches they conduct, like the required timed assault obstacle course called Tarzan, or the Endurance Course, which is a 6-mile run that includes tunnels and obstacles, and a 9-mile and 30 mile speed march.

All of these requirements are part of the commando phase of Royal Marine recruit training and require the candidates to carry 21 pounds of kit and rifle, weighing nearly 32 pounds total.

American Marines do plenty of marches and at times obstacle courses in kit, but usually not for assessment. Though, newly initiated military occupational specialty, or MOS, qualification tests do assess some Marines’ fitness in full kit, especially for those headed into combat job fields like the infantry. Most of those tests assess short bursts of speed in kit, or fighting load.

FITNESS CHANGES

The after-action reports viewed by Marine Corps Times also called for a slew of changes to the FFI program to build more professional fitness instructors that could help change fitness across the Marines.

Those recommendations include combining Marine Corps Instructors of Water Survival, martial arts instructors and FFIs into one primary job field.

Royal Marine PTIs are the go-to instructors for everything fitness related for Royal Marine recruits in basic training to Royal Marines at the training centers. Their knowledge base includes injury prevention, to swimming, weightlifting and cardio.

Royal Marine PTIs also get a slew of civilian credentials. Sub-courses at the PTI program include the British Weightlifting Association Level I, Assistant Swimming Instructor, National Pool Lifeguarding Qualification, Mountain Biking Level I and the Half Crown Boxing Coach from the Amateur Boxing Association.

Currently the FFI program is only a secondary job field, but the Corps says it did consider making it a primary occupation.

“When the Force Fitness Instructor (FFI) program was stood up, the initial thought was to model it after the Royal Marines program, and make the FFI a primary MOS [military occupational specialty]. It was

<https://www.marinecorpstimes.com/news/your-marine-corps/2019/02/14/a-new-pft-why-the-corps-might-adopt-the-royal-marines-fitness-tests/>

determined that the number of FFIs required to adequately support the force was too large,” the Force Fitness Division and Training and Education Command said in a statement.

Other recommendations focused on incorporating FFIs at the recruit depots, much like swim and martial arts instructors.

There was also a recommendation to push FFIs to focus on circuit training over the card system. The circuit training system focuses on body-weight exercises and endurance, which ultimately requires few pieces of gym equipment. This makes fitness easier to sustain in the field over the card system, which often requires more gym equipment.

The card system includes the workout listed on a card, hence the name.

One recommendation also called for FFIs to incorporate games or more interesting routines in fitness plans to get out of daily mundane exercises and warm-ups that leave Marines “daydreaming.”

MAKING CHANGES

The Corps has sent several Marines to observe and participate in the Royal Marine PTI course, and while the Corps continues to look at the Royal Marines for fitness ideas, they haven’t quite overhauled the CFT or PFT just yet.

But the Corps has certainly taken a lot of interest in the Royal Marine fitness program.

The Force Fitness Division, under Col. Stephen Armes, has also made a slew of changes to fitness across the U.S. force.

This year the CFT and PFT are getting a little harder as the Corps has increased maximum and minimum pullups for females and increased the minimum pass score to 150 on both tests. Another pending change to decrease rest time in between CFT events from five minutes to three has been put on pause as more research is done.

The fitness division has also pushed healthier kitchen options at chow halls across the Corps, designed partially off of college athlete kitchens. Those healthier chow halls started to hit the Corps in October 2018.

New awards, to include Certificates of Commendation for those who get dual 300 maximum scores on both annual fitness tests are already being dished out. The Corps also wants to award the most fit battalion or 0–5 level command with the Superior Unit Fitness Award. The award is based on the top cumulative aggregate CFT and PFT score.

A fitness phone app is also coming to help FFIs and Marines build balanced workouts and fitness routines that will help boost training but also prevent injuries.

The Corps is also in the process of studying planks as an alternative to crunches on the PFT. Marines for ages have complained that the crunches portion of the PFT is too easy and susceptible to cheating.

“There is no single military outfit, e.g. Royal Marines, MARSOC [Marine Forces Special Operations Command], etc. that has the market cornered on all the good ideas. Our FFD team, through research, outreach, professional exchanges and relationships, are in a unique position to determine which practices might have a positive impact on Marines,” Dent said.

<https://www.militarytimes.com/news/pentagon-congress/2019/02/10/problems-with-military-housing-conditions-under-scrutiny-on-capitol-hill-this-week>

Problems with military housing conditions under scrutiny on Capitol Hill this week

By Leo Shane III

Military Times, February 10, 2019



Repairmen remove shingles damaged during a hurricane last fall from a home in Paradise Point housing on Marine Corps Base Camp Lejeune, N.C., on Feb. 1, 2019. Lawmakers on Capitol Hill will hold a series of hearings this week to look into problems with the quality of military housing and privatization of those residences. (Lance Cpl. Ginnie Lee/Marine Corps)

WASHINGTON — [Military housing conditions](#) will come under congressional scrutiny this week amid reports of failures by private contractors to maintain acceptable living standards at a host of sites around the country.

On Tuesday, [House Appropriations Committee](#) members are expected to grill the services' top housing officials during a budget posture hearing at the Capitol. The annual oversight meeting is typically a routine look at spending priorities and challenges, but the recent reports have added new tension to the event.

A day later, Senate Armed Services Committee leaders will hold a separate hearing on military housing and the [Defense Department's privatization initiative](#). That event will include the same service officials, plus representatives from private contracting companies and testimony from military families whose health has been jeopardized by poor housing conditions.

Committee Chairman Sen. Jim Inhofe, R-Okla., said he scheduled the event after hearing disturbing complaints from troops in his home state and other locations.

The goal, he said, is to “ensure that our military families are receiving the high-quality, affordable, on-base housing they deserve and ... look at what the Department of Defense is doing to hold these contractors accountable.”

[A December report by Reuters](#) found significant failings at multiple military housing projects across the country. The problems included “shoddy workmanship, raw sewage, rotten wood and chronic leaks” among other issues.

The news was the latest in a series of reports by the organization chronicling shortcomings in the military's housing privatization efforts.

The privatization initiative began in the 1990s as a result of the widespread deterioration of family housing, which had suffered from years of maintenance backlogs. Before that, the bulk of housing allowances for troops living on the installation went back to the services for the operation and maintenance of government housing.

Today, most family housing — more than 200,000 units — on installations in the U.S. are maintained by private companies.

But that has led to questions of accountability among military leaders. At a House Appropriations hearing last week, Rep. Debbie Wasserman Schultz, D-Fla., and chairwoman of the military construction panel, warned service representatives that lawmakers have been unhappy with what they've seen so far.

<https://www.militarytimes.com/news/pentagon-congress/2019/02/10/problems-with-military-housing-conditions-under-scrutiny-on-capitol-hill-this-week>

“It feels like the military leadership sort of washed their hands of any oversight of the private contractors that built and managed these family housing units,” she said. “They essentially left it to the private contractors completely with no oversight. That's not what Congress would have intended.”

Military officials have insisted the overall quality of housing options for families has dramatically improved since the privatization push, notwithstanding the problems uncovered in the latest news reports.

Sergeant Major of the Army Daniel Dailey testified at Wasserman Schultz’s committee this week that about 190 Army families are currently living in what the service defines as poor housing conditions, but all of those units are expected to be replaced within the next two years.

But, he added, “we are concerned. I think we can do a better job.”

The housing oversight problems could also become a major issue in the annual defense authorization bill debate, with lawmakers from both chambers looking for potential legislative improvements in the months to come.

Reporter Karen Jowers contributed to this story.

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SEE ALSO:

[DOD Seeks Ways to Improve Family Housing Initiative](#) [*Defense.gov*, 2019-02-08]

Retaliation against military families who speak up about housing will meet with ‘swift action,’ senators warn

By Karen Jowers

Military Times, February 14, 2019



Eleven families from Keesler Air Force Base, Miss., have sued the companies that own and manage base housing there, due to an outbreak of mold that they claim has not been resolved. Some of the families live in the Bay Ridge community, shown here. (Kemberly Groue/Air Force)

In the face of reports of retaliation against military families for coming forward about their concerns about [living conditions in privatized housing](#), senators strongly warned that they will not tolerate such reprisals.

During a Senate Armed Services Committee hearing Feb. 13 where [military spouses testified](#), chairman Sen. James Inhofe, R-Okla., reminded privatized company officials and defense and service officials that the witnesses’ testimony and other communications with the committee are protected communication.

“Any form of reprisal or threat should be immediately reported to this committee and will be immediately referred to the DoD Inspector General for swift action,” Inhofe said.

“Make no mistake — I will take any report of reprisal on military families directly to the secretary and chief of that specific service.”

Senators extracted commitments from all the company officials as well as DoD and service officials that they would protect families from reprisal.

Marine wife Crystal Cornwall testified that after hearing her concerns about the housing conditions, her unit’s family readiness officer stepped in on their behalf, and was retaliated against by the base command.

“He’s since left the family readiness program because of this issue,” she said. The family readiness officer had put her in touch with another military spouse at Camp Pendleton, California, who was also looking into issues, and they began working together. When the base command found out about it, she said, “the family readiness officer was told to stand down.”

“I believe the marriage between the [privatized housing companies] and the base commands is the biggest detrimental part of this issue,” Cornwall said. “There’s a marriage there and there’s a certain kind of loyalty there that supersedes loyalty to military families.”

The issue of retaliation was also raised in a recent [online survey](#) fielded by the Military Family Advisory Network, which garnered responses from 14,558 current or recent residents of military privatized housing. “Families report attempts by housing company representatives and sometimes, military command to silence their complaints and several report receiving threats. Many fear retribution or negative impacts on their service members’ military career,” stated the MFAN report on preliminary findings.

MFAN also spoke with several families who were unwilling to come forward publicly for fear of retaliation or negative impact on their service member.

“One military spouse shared that their privatized housing company’s community manager threatened to call the service member’s commander if they continued to ‘complain,’” according to the report.

<https://www.militarytimes.com/pay-benefits/2019/02/14/retaliation-against-military-families-who-speak-up-about-housing-will-meet-with-swift-action-senators-warn/>

One service member told MFAN that a garrison commander threatened him with a general officer memorandum of reprimand because the service member demanded that his family be moved out of their home when ticks began falling from the ceiling. A bat colony was living in their attic.

Some families have reported rampant black mold, insect infestations, and a variety of other problems that made their homes unsafe. They've reported long-term health effects that they attribute to the mold and other conditions. But there are also financial implications; one spouse testified her family is now \$40,000 in debt because of issues related to mold, including replacing household items that could no longer be used.

Concerns about reprisals against military families for speaking out are not new to this issue. It's a long-standing concern in the military community — and service members have experienced reprisals in a variety of ways for a variety of reasons.

Senators also stressed numerous times that military families should not hesitate to call their senators if they find themselves in situations with housing conditions they can't resolve.

“I speak for every Senate member when I say, if you're living in military housing anywhere in this country, and you're not getting satisfaction from any of these vendors, call your Senate offices and we'll be in touch,” said Sen. Thom Tillis, R-N.C.

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SEE ALSO:

[Black mold, rodents, lead paint in privatized housing: No rent until it's fixed, military spouses say](#) [*Military Times*, 2019-02-14]

[Senators vow urgent reform to correct 'unacceptable' military housing conditions](#) [*Reuters*, 2019-02-13]

[Military survey finds deep dissatisfaction with family housing on U.S. bases](#) [*Reuters*, 2019-02-13]

[More than half who took survey are dissatisfied with military privatized housing](#) [*Military Times*, 2019-02-13]

[Mold, Lead and Vermin: Survey Finds Toxic Conditions in Military Housing](#) [*Military.com*, 2019-02-13]

[Military families in private housing facing numerous safety hazards, survey finds](#) [*The Hill*, 2019-02-13]

Should deported veterans be allowed to come back to America?

By Leo Shane III

Military Times, February 12, 2019



An immigrant from Nicaragua stands on the Mexico side of a border wall separating Tijuana from the United States on Jan. 9, 2019. A new House bill would extend citizenship privileges to immigrants who served in the U.S. military but were later convicted of a crime, making them vulnerable to deportation. (Gregory Bull/AP)

WASHINGTON — A pair of House lawmakers has reintroduced legislation that would ease the path to citizenship for [immigrants who served in the Armed Forces](#) but were later deported because of [criminal activity](#).

The “Repatriate Our Patriots Act” would also block federal officials from forcing those veteran immigrants out of the country, ensuring that they receive legal permanent residency after serving their criminal sentences.

“If you are willing to put your life on the line to defend this great nation and its values, you should be able to become a U.S. citizen,” said [Rep. Don Young, R-Alaska](#), one of the bill’s sponsors. “It is inexcusable that service members who risked it all to protect us would be put through the deportation process.”

Young and [Rep. Vicente Gonzalez, D-Texas](#), introduced the measure last session, but it made little progress toward passage. With Democrats now in control of the House, they’re more hopeful about possibility of momentum in that chamber, but the measure still faces long odds in the Republican-controlled Senate.

The move comes amid a polarizing national debate over immigration that has already prompted a month-long partial government shutdown and accusations from the White House that critics are endangering national security by not doing enough to limit migrants from entering the United States.

But the two lawmakers behind the bill argue that immigrants who served honorably in the military — but committed crimes after leaving the ranks — deserve a chance to stay in this country after serving their time in prison.

They note that combat injuries like post-traumatic stress disorder and traumatic brain injury can lead to substance abuse, and even minor drug offenses can result in deportation for an immigrant going through the naturalization process.

The proposal would exclude veterans convicted of violent crimes such as murder, rape, child abuse and terrorism. And it would not apply to immigrants who face serious legal trouble while still serving in the military.

For veteran immigrants still going through the process of becoming American citizens, the legislation would require the Attorney General to recognize them as legal permanent residents and block any potential deportation order.

For veterans already deported, it would require the Department of Homeland Security to create a new program allowing them to return to the United States as lawfully admitted permanent residents, with a chance at full citizenship.

<https://www.militarytimes.com/news/pentagon-congress/2019/02/12/bill-would-allow-deported-veterans-a-legal-path-back-to-america/>

In the last 18 years, U.S. immigration services have helped nearly 130,000 immigrants who joined the military gain American citizenship, thanks to expedited rules adopted in the wake of the Sept. 11, 2001 attacks.

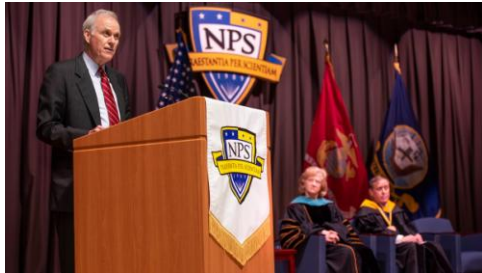
But veterans who served before that time or who failed to complete paperwork while in the military don't enjoy the same legal protections as them. The American Civil Liberties Union estimates more than 200 U.S. military veterans have been deported in recent years, with the number steadily increasing amid the current administration's crackdown on illegal immigration.

The legislation would require the Department of Homeland Security to keep comprehensive records of veterans who are deported. It also guarantees veterans the military and veterans benefits for which they are eligible. Currently, those payouts and health care coverage are stopped when a veteran is deported.

Why SECNAV is launching Naval University

By Mark D. Faram

Navy Times, February 13, 2019



Secretary of the Navy Richard V. Spencer delivers remarks at the Naval Postgraduate School during a Jan. 29 change of command ceremony. Retired Vice Adm. Ann E. Rondeau relieved retired Vice Adm. Ronald A. Route to become the 49th president of the university. (Mass Communication Specialist 2nd Class Patrick Dionne/Navy)

The Navy's top civilian wants to beef up the service's brainpower.

That's why a flurry of action memos and glossy pamphlets greeted [Navy Secretary Richard Spencer's](#) Tuesday announcement launching the "[Education for Seapower](#)" campaign, a push to hike and hone critical thinking skills in the Navy and Marine Corps.

When it's finished, Spencer hopes his program will combine the education efforts for enlisted and officer personnel under a single Department of the Navy university that's accredited to grant diplomas, from associate degrees up to advanced post-graduate work.

"I am convinced, now more than ever before, that the intellectual development of our naval leaders is the most critical warfighting capability for our national security," Spencer wrote in a Feb. 5 memo that outlined his goals for the initiative.

"To achieve this, I intend to create a Naval University System that further integrates and aligns naval education, beginning with the establishment of a Naval Community College for our enlisted sailors and Marines."

Spencer indicated that he's already ordered the Navy's top financial officer to "identify resources" in the budgets for fiscal years 2019 and 2020 "to ensure immediate educational enterprise resources."

The Navy will create a pair of senior-level positions, one uniformed and the other civilian, to helm the campaign, according to the memo.

A three-star admiral will join the Chief of Naval Operation's staff as the "Director of Warfighting Development" — the "N7" — to become the "resource sponsor and strategic leader for naval education."

The flag officer will work alongside the Marine Corps' existing [Deputy Commandant for Combat Development and Integration](#) and a new civilian "Chief Learning Officer" who will report directly to the secretary of the Navy and an appointed undersecretary while they craft the university system.

Spencer's memo directs the CLO's office to be "fully operational no later than June 1," but it listed no deadline for when the three-star billet will be filled.

Instead of erecting a traditional campus, the secretary appears to be directing Marine Corps and Navy leaders to stitch together existing educational institutions and programs.

For example, the merger will combine institutions designed to instruct commissioned officers or midshipmen such as the U.S. Naval Academy, Naval War College, Marine Corps University and Naval Postgraduate School to better "align and orchestrate the academic efforts and resources of all naval education activities" Spencer wrote.

<https://www.navytimes.com/news/your-navy/2019/02/13/why-secnav-is-launching-naval-university/>



Secretary of the Navy Richard V. Spencer flies a T-45 flight simulator aboard Naval Air Station Kingsville during a Jan. 10 site visit. All naval flight training falls under the Chief of Naval Air Training, which is headquartered in Corpus Christi. (Anne Owens/Navy)

But Spencer doesn't want them to lose either their unique cultural identities or independence, which is why his instructions urged them to retain "the special characteristics and strengths of each institution."

The "operational reporting" chain of command for each institution won't change, but the institutions will be required to collaborate with the Chief Learning Officer and the Navy and Marine Corps flag officers while realigning curriculum.

Spencer's focus on overseeing "academic curricula" will extend to the Naval Reserve Officers' Training Corps and the Officer Candidates Schools of the Navy and Marine Corps and the new system will absorb Federal Executive Fellowships and the education programs for flag officers, too.

Within the next two months, Spencer also expects Jim Guerts, the assistant secretary of the Navy for research, development and acquisition, to provide him "organizational options" for a "Naval Community College" that will be established for enlisted sailors and Marines by early 2021.

Spencer wrote that this "first vital step" will help construct a Naval University that will offer accredited degrees in "academic disciplines that advance lethality, partnership, and reform of our supporting processes."

Although Spencer didn't include details about his vision for the degrees, he riffed on military education during a Jan. 16 address at the annual Surface Navy Association conference in Arlington, Virginia.

"When I talk about education, it's going to be education that we need as a naval force," Spencer told the audience. "I really don't care about someone, to be very frank with you, going off and getting an art history major. I'm being totally selfish, but if these are my dollars, I want you to be learning something that is going to help this institution."

He predicted that the Navy and Marine Corps will focus "on professional management for both the enlisted and officer corps" and that obtaining the degrees ultimately will "benefit the corporate body."

Spencer's speech seemed to pay homage to the Community College of the Air Force, which was created in 1971 to offer accredited degrees in the applied sciences. The courses fall under five broad categories that parallel existing Air Force career fields and specialties.

Air Force personnel can earn credits for attending military schools and gaining experience on their jobs. They finish their degree requirements by taking classes offered by partner educational institutions that are funded through the service's tuition assistance program.

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SEE ALSO:

[US Navy to Create Chief Learning Officer, Overhaul Sailor Education](#) [*Defense One*, 2019-02-12]

Misconduct

Air Force's 1st Female Demo Team Commander Relieved After 2 Weeks

By Oriana Pawlyk

Military.com, February 12, 2019



Capt. Captain Zoe M. Kotnik was the first female commander of the United States Air Force F-16 Viper Demonstration Team (U.S. Air Force)

The first female commander of the U.S. Air Force's Viper demonstration team has been relieved of command after [only a couple of weeks on the job](#).

Capt. Zoe Kotnik, an F-16 Fighting Falcon demonstration pilot at Shaw Air Force Base, South Carolina, was removed from her post Monday, Air Force officials confirmed to Military.com. The news [was first reported by Air Force Times](#).

"Capt. Zoe Kotnik, former Air Combat Command F-16 Viper Demonstration Team pilot, was relieved from her position as commander of the Viper Demonstration Team by Col. Derek O'Malley, the 20th Fighter Wing commander, due to a loss of confidence in her ability to lead and command," wing spokeswoman Capt. Alanna Staver said in a statement.

In a separate post on Facebook, O'Malley noted Kotnik had made "mistakes."

"We have thousands of Airmen across our Air Force serving our country, and not one of them is perfect. As good people, like Capt. Kotnik, make mistakes, I want them to have the opportunity to learn from them without being under public scrutiny, and to continue to be a part of this great service," he [said in the post](#).

O'Malley continued, "In these types of situations, I never forget that we're dealing with real human beings, that I care deeply about, and that we are charged to take care of. This will be a difficult time for Capt. Kotnik, but she's surrounded by wingmen that will help her every step of the way. It was exciting to have the first female demo team pilot here at Shaw, but I'm also just as excited about the many other females that are serving with great distinction across our Air Force."

Kotnik will no longer perform with the demo team "but will continue to serve in a non-supervisory role in the 20th Fighter Wing," Staver said.

Gen. Mike Holmes, commander of Air Combat Command, certified Kotnik to lead the team on Jan. 29.

Kotnik, whose call sign is SiS, was recently profiled by the Air Force as its first female single-ship tactical demonstration pilot.

The service [even likened Kotnik to the upcoming superhero flick "Captain Marvel,"](#) in which actress Brie Larson plays an F-16 pilot.

Kotnik, of Poynette, Wisconsin, comes from an aviation-enthusiast family, [according to Stars and Stripes](#).

She graduated from the Air Force Academy in 2011 and was selected for undergraduate pilot training, flying the T-6B Texan II and the T-38C Talon, according to her official Air Force biography.

After earning her wings in October 2013, she moved to Luke Air Force Base, Arizona, and learned to fly the F-16C Fighting Falcon.

<https://www.military.com/daily-news/2019/02/12/air-forces-1st-female-demo-team-commander-relieved-after-2-weeks.html>

Kotnik was the chief of training for the 55th Tactical Fighter Squadron at Shaw for three years before switching to the Viper team.

She flew missions in support of Operation Noble Eagle -- the air defense operation stood up following the Sept. 11 attacks -- and has more than 1,000 flight hours in military aircraft, the Air Force said.

Maj. John "Rain" Waters, last season's Viper demo pilot, has resumed command in Kotnik's place, O'Malley said.

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

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SEE ALSO:

[First female Viper demo team pilot relieved of command after two weeks](#) [*Air Force Times*, 2019-02-12]

[Navy confirms mysterious Blue Angel suspension](#) [*Navy Times*, 2019-02-13]

Fired wing commander who reached plea deal to retire as major; defense plans appeal

By Stephen Losey

Air Force Times, February 8, 2019



Col. John Howard, who was relieved of command of the 375th Air Mobility Wing at Scott Air Force Base in Illinois in December 2017, will retire as a major. (Air Force)

[Col. John Howard](#), who was fired from command of the [375th Air Mobility Wing](#) at Scott Air Force Base in Illinois in 2017 and was later punished for fraternization and conduct unbecoming an officer, will retire as a major.

In a Friday email, Maj. Ryan DeCamp, a spokesman for the 18th Air Force at Scott, said the officer grade determination has concluded. His retirement at a lower rank will cost him about \$20,000 per year in his retired pay.

Howard was [fired from wing command in December 2017](#), five months after assuming command. Last September, the 18th Air Force said he had accepted non-judicial punishments for conduct unbecoming and fraternization with a junior enlisted airman.

Howard initially also faced charges of sexual assault and cruelty and maltreatment, but those charges were dropped. The Air Force said last September that the victim decided against testifying in a court-martial proceeding against Howard.

Howard's attorney, Richard Stevens, said last year that the defense had uncovered evidence and witnesses that refuted the sexual assault allegation, and said it was false.

In a statement he provided to Air Force Times Friday, Stevens said Howard intends to file a formal complaint and an appeal based on several issues in the case, including the officer grade determination.

He also issued a blistering rebuke.

"The Air Force appears to be so starved for political and public relations validation that they issued this press release without explaining how they publicly charged, and sought a court-martial against, Col Howard based on a sexual assault allegation that was easily shown to be false and had to be dropped before the Article 32 hearing," Stevens wrote.

"They have also failed to explain how the Air Force complainant, who, according to any reasonable interpretation of the evidence, made a blatantly false sexual assault allegation and engaged in other known misconduct, did not face appropriate consequences for her serious misbehavior.

"As long as the Air Force panders for PR points, and shows little interest in holding all individuals in a given situation accountable for their misconduct, their public statements about a case should be seen as hollow attempts to pat themselves on their own back and nothing more."

DeCamp said Howard is still on active duty, and his retirement is expected to take effect shortly.

How the Navy plans to deal with drug use and war crimes allegations in the SEAL community

By Geoff Ziezulewicz

Navy Times, February 13, 2019



Rear Adm. Collin Green shook the hand of Rear Adm. Tim Szymanski after relieving him as commander of Naval Special Warfare Command at Naval Amphibious Base Coronado on Sept. 7. (Mass Communication Specialist 1st Class Eric Chan/Navy)

SAN DIEGO —The Navy’s top SEAL is probing what went wrong with his service’s premier special warfare teams and how he can fix them.

Pointing to a series of high-profile scandals and ongoing war crimes trials, Naval Special Warfare commander Rear Adm. Collin Green told an audience at the U.S. Naval Institute’s [West 2019](#) convention here that he’s commissioned a 90-day review to explore “what we’re doing in the schoolhouse, what we’re not doing, what we’re doing relative to leader development and hard ethical decisions, combat ethics, and seeing if we’re addressing that.”

Green’s statements came after Task & Purpose reporter Paul Szoldra asked what the command was doing to respond to reports of SEALs failing urinalysis tests for drug abuse and being charged for war crimes.

The SEAL leader was participating in a panel about military readiness and the session’s moderator — retired Vice Adm. James Zortman — tried to shoot the question down, but Green agreed it was an important issue for his community of special operators and he didn’t flinch at addressing it.

“We are looking hard, as a learning organization, to self-assess, to see if we are assessing and selecting the right people, and are we holding them accountable,” Green said.

Green said that the review will include “hard discussions,” and he pointed to a grueling tempo of operations SEALs have faced since Sept. 11, 2001.

“We’ve been at war for 17 years,” he added.

Green commissioned the assessment on Jan 1. in the wake of a November memo from the head of U.S. Special Operations Command, Army. Gen. Raymond A. Thomas III.

Green will report the findings to Thomas in March, according to Naval Special Warfare spokeswoman Cmdr. Tamara Lawrence.

In his memo, Thomas called on members of the U.S. military’s shadowy special forces community to “operate with the highest standards of ethics and honor.”

“We routinely operate around the world in environments where exposure and temptations to be influenced by local norms are a reality,” Thomas wrote. “Never give the American people or our allies cause to doubt our will to execute at the highest standards of tactical and moral excellence.”

Thomas urged them to continue serving “with honor and integrity” both “on and off the battlefield.”

Green’s study is being conducted in the midst of ongoing war crimes trials targeting SEALs who fought in Afghanistan and Iraq, including the high-profile prosecution of Chief Special Warfare Operator [Edward “Eddie” Gallagher](#).

<https://www.navytimes.com/news/your-navy/2019/02/13/how-the-navy-plans-to-deal-with-drug-use-and-war-crimes-allegations-in-the-seal-community/>

Authorities accuse Gallagher of fatally stabbing a wounded teenage Islamic State prisoner of war outside the Iraqi city of Mosul in 2017 and shooting at innocent civilians with his sniper rifle.

Gallagher's commanding officer at SEAL Team 7's Alpha Platoon, [Lt. Jacob X. "Jake" Portier](#), also faces charges for allegedly trying to conceal the purported war crimes.

Both men have denied wrongdoing.

Four SEALs stationed at Village Stability Platform Kalach in the Chora District of Afghanistan's Uruzgan Province also have been charged in San Diego for their alleged roles in the May 31, 2012 beating of bound prisoners at the hands of Afghan Local Police militiamen, with one detainee possibly dying after the interrogations.

Like Portier and Gallagher, they insist they're innocent, too.

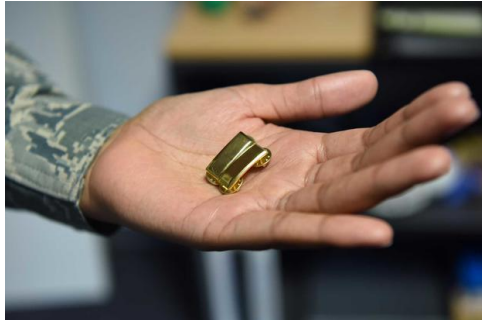
Prosecutors also say [a pair of Navy SEALs](#) are linked to the June 4, 2017, death of Army Special Forces Staff Sgt. Logan Melgar at his residence in Bamako, Mali.

SEALs also have been dogged by [reports](#) of rising drug abuse problems in their teams and the early 2018 conviction of Special Warfare Operator 1st Class Gregory Kyle Seerden for recording [images of child sexual abuse](#) on his cellphone.

Junior Officers Are Now Tracked in Air Force's Misconduct Probes Database

By Oriana Pawlyk

Military.com, February 8, 2019



An airman holds her future second lieutenant bars. (U.S. Air Force Photo by Airman 1st Class Milton Hamilton)

The Air Force has quietly expanded a database used to keep tabs on airmen under investigation to include all of its officer ranks.

The Automated Case Tracking System, or ACTS, in use by the service since 2003, previously had applied only to field-grade officers -- majors, lieutenant colonels and colonels -- in line for

promotion. Last year, the Air Force expanded the database tracking to second lieutenants and above, Military.com has learned.

ACTS is primarily used to record and track Inspector General investigations, which must be reported up to the service level, per Defense Department and Air Force policy, according to Air Force spokeswoman Erika Yepsen said in a recent email.

In 2012, the service expanded the database to include "all open investigations and adverse information for field grade officers, as directed by DoD, to comply with General Officer Promotions policy," she said.

"The DoD policy required a 10-year look back for O-6 Colonels meeting an O-7 Brigadier General promotion board; therefore, the Air Force Inspector General determined that [its office] would collect and track open investigations and adverse information on all field grade officers [major, lieutenant colonel and colonel] to meet this requirement," she wrote.

To comply with changes to the processing of officer promotion appointments pending investigation the addressing of any other adverse information, "the collection of open investigations and adverse information was expanded for all officers, using the same database -- ACTS," Yepsen wrote.

"Although the Air Force has historically done well at vetting senior officers, we recently took steps to improve screening of junior officers by instructing all commanders to notify the local Inspector General when a commander-directed investigation, inquiry or any other investigation of any officer has been initiated and the resolution of such investigations," her email states.

ACTS primarily tracks IG investigations and dispositions, but also "administrative or adverse misconduct data not tracked by other Air Force databases, such as commander-directed investigations," Yepsen wrote.

ACTS doesn't record criminal accusations and cases because those are tracked by the Air Force Office of Special Investigations and Security Forces databases, officials said.

The data is available to inspectors general for review, with access based on their level.

The IG at Air Force headquarters, for instance, can access all ACTS cases across the service. A major command IG may see only the ACTS cases within their respective command, while installation IGs may access cases only within their base, Yepsen said.

The policy change will not drastically alter the promotions system because withholding a promotion during an investigation is standard practice for all boards, per DoD Instruction 1320.04, "Military Officer Actions

<https://www.military.com/daily-news/2019/02/08/junior-officers-are-now-tracked-air-forces-misconduct-probes-database.html>

Requiring Presidential, Secretary of Defense, or Under Secretary of Defense for Personnel and Readiness Approval or Senate Confirmation."

The centralized ACTS process "will improve the Air Force's oversight of alleged adverse information for junior officers," Yepsen said.

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Lead investigator in Green Beret murder case faces charges of stolen valor

By Todd South

Army Times, February 14, 2019



Capt. Mathew I. Golsteyn is congratulated by fellow soldiers following a valor awards ceremony for 3rd Special Forces Group on Fort Bragg on Jan. 4, 2011. Golsteyn is now a major. (James Robinson/The Fayetteville Observer)

The Army special agent who led the investigation of a [Green Beret charged with the murder](#) of an alleged Afghan bomb-maker now faces charges of stolen valor.

And both the Green Beret's attorney and others in military legal circles say the charge could have a serious impact on the Army's case against Maj. Mathew Golsteyn.

Based on that recent development and other allegations of case mismanagement, Golsteyn has waived his right to an Article 32, or probable cause hearing, and asked the government to speed up the trial process or dismiss the charges. On Thursday, Golsteyn also requested for a reassignment of military duty from Fort Bragg, North Carolina, to the Military District of Washington, D.C.

On Jan. 31, Sgt. 1st Class Mark A. Delacruz, a special agent with Army Criminal Investigation Command, was charged with falsifying promotion files and other records by listing on at least three occasions a Purple Heart award that he never received and the "unauthorized wear" on other occasions of that ribbon, the Air Assault Badge, Pathfinder Badge and Combat Action Badge, none of which he rated.

Army CID confirmed those details of the charges and a spokesman said in an email that "he has been suspended from duty since the allegations came to light in late 2018."

The spokesman, Jeffrey Castro, declined further comment on the case.

A copy of the Delacruz charge sheet obtained by Army Times further verified details of the allegations he faces.

U.S. Army Special Operations Command, which oversees the Army's Special Forces groups and associated units to which Golsteyn is assigned, did not respond to requests for comment.

Attempts by Army Times to reach Delacruz through social media and a listed phone number were unsuccessful.

Phillip Stackhouse, Golsteyn's attorney, told Army Times that Delacruz was the investigator who interviewed key witnesses that led to the murder charge and was expected to be a main witness for the prosecution.

Colby Vokey, a former Marine Corps Judge Advocate General officer and now a civilian attorney practicing military law, told Army Times that the revelations that the lead investigator in Golsteyn's case has alleged integrity issues were "shocking."

"It is incredibly damaging to the case," Vokey said. "That goes to the core of the integrity of CID. To me, it calls into question all of this new evidence they've brought against Matt Golsteyn."

<https://www.armytimes.com/news/your-army/2019/02/14/lead-investigator-in-green-beret-murder-case-faces-charges-of-stolen-valor/>

Vokey said that the prosecutor will likely try to keep the charges against Delacruz from coming into any future trial as evidence. But on the defense side, that information strikes at the credibility of the prosecution's case.

“Part of your team has lied and cheated and violated what the Army holds most dear, which is integrity,” Vokey said.

And this has been no simple case from the beginning.

Golsteyn was serving as a Special Forces captain in Afghanistan in 2010 during some of the most intense fighting of the war.

He led not only his Operational Detachment Alpha team members, but also Marines and other troops in sections including Marjah, one of the major battles of the war. The unit lost multiple troops to IEDs and rooted out bombmakers and their materials routinely.

One such alleged bombmaker was captured and detained but due to Afghan policy was later released. A tribal elder who had helped identify the bombmaker feared for his life because the bombmaker had learned his identity.

Last week, Golsteyn told Army Times he later set an ambush near the house where extensive bomb-making materials linked to the individual had been discovered. When the man approached the house, he was killed. According to reports Golsteyn, and perhaps others, helped dispose of the body either by burning it or burying it or both.

The major declined to provide further details about the incident to Army Times.

But it was a 2011 job interview with the CIA that set off a chain of events that led to a murder charge this past December.

Golsteyn told Army Times that during the interview, the CIA agents asked if he had ever shot an unarmed person. In response to the question, the major told them about the bombmaker incident.

Later that year, information from the interview was relayed to Army CID, which opened an investigation. But Golsteyn claims that the investigator at that time was only able to view portions of a video recording of the interview and not hear his explanation of the incident in full context.

“This whole thing started with a lie,” Golsteyn told Army Times.

He claims that the initial investigators combined statements from the CIA interview into a false quote that he said he and members of his unit had taken the Afghan man to his home and assassinated him.

“That was cut and pasted and put in every brief, every report, for the first period,” he said.

After the investigation concluded, Golsteyn requested a board of inquiry, an administrative review by senior officers of an officer's conduct that is in question.

That board recommended a general discharge and found no clear evidence that he had violated the rules of engagement during his deployment. During the same deployment, he was awarded the Silver Star medal for separate valorous actions.

At the same time the investigation and allegations swirled, the Silver Star was being considered for an upgrade to the Distinguished Service Cross, the second-highest award for valor given by the Army.

<https://www.armytimes.com/news/your-army/2019/02/14/lead-investigator-in-green-beret-murder-case-faces-charges-of-stolen-valor/>



Maj. Mathew Golsteyn is petitioning up through the chain of command for a review of his case. (Courtesy photo)

But though he was cleared by the board of violating the law of armed conflict, the board did find his conduct as unbecoming an officer.

Not only was his Distinguished Service Cross denied, but then-Army Secretary John M. McHugh ordered that he be stripped of his Silver Star and his Special Forces Tab.

From that point on, Golsteyn has been in a sort of legal limbo. He requested discharge, but his packet has been held up for years, he said.

While still on the books as an Army major, he requested and was granted a leave status to pursue civilian employment. He relocated to the Northern Virginia area and has since remarried and fathered a child in recent months.

Rep. Duncan Hunter, R-Calif., has been publicly outspoken in support of Golsteyn, calling on the Army to dismiss charges against him.

In December, the Army charged Golsteyn with murder and ordered him to report back to duty at Fort Bragg, North Carolina, as he awaits his Article 32 hearing in March.

Shortly after the charge was announced, President Donald Trump tweeted that he would review the case.

“At the request of many, I will be reviewing the case of a ‘U.S. Military hero,’ Major Matt Golsteyn, who is charged with murder. He could face the death penalty from our own government after he admitted to killing a Terrorist bomb maker while overseas,” he tweeted on Dec. 16, 2018.

Starting nearly three weeks ago, Golsteyn began petitioning up his chain of command for each authority to review his case and dismiss the charges, a power that is retained at those levels.

As of this past week he was filing a petition to each higher level a week at a time, he said.

Shortly, his pleas will reach Army Chief of Staff Gen. Mark Milley, then the secretary of the Army, secretary of defense, and finally, the commander in chief.

The USASOC spokesman, Lt. Col. Loren Bymer, has told media that the Article 32 is scheduled for March 14, until further notice.

https://www.washingtonpost.com/world/national-security/they-do-not-obey-their-own-rules-soldier-facing-murder-case-says-he-must-defend-himself-against-the-army/2019/02/09/a4cdb5b2-2baf-11e9-97b3-ae59fbae7960_story.html

Matt Golsteyn planned to join the CIA and go to Iraq. Now he faces a murder charge.

By Dan Lamothe

The Washington Post, February 9, 2019



Mathew Golsteyn, 38, is a former Special Forces officer being investigated for alleged war crimes committed while in Afghanistan in 2010. (Sarah L. Voisin/The Washington Post)

In the largest battle in the history of the U.S. war in Afghanistan, Mathew L. Golsteyn watched to see if the man he believed was responsible for killing two U.S. Marines was coming his way.

Golsteyn, a captain and Green Beret soldier at the time, said he had taken up an ambush position in the Taliban stronghold of Marja when U.S. forces released the man, a suspected Taliban bombmaker known as Rasoul.

What happened next is at the center of an Army investigation that has stretched years, resulting in a murder charge against Golsteyn in December.

Golsteyn didn't know whether the suspected insurgent, who was unarmed at the time, would walk in his direction. But if he did, to Golsteyn it meant he was going back to insurgent activities and could be legally targeted.

“If [he goes] any other direction of the 360 that you have available to you but mine, and he doesn't meet me,” Golsteyn said. “He had been released, and are you going to go back to what you were doing? Or are you going to go somewhere else? If it had been me, this guy's a-- would have beaten feet in a completely different direction.”

The incident first came under scrutiny by the Army in October 2011, the same year Golsteyn was awarded a Silver Star for valor in different actions. Golsteyn said he had planned to join the CIA and go to Iraq in 2012, and in a polygraph test for the CIA he said he had killed an unarmed man and burned the body.

The case has [become a cause celebre among some conservative and veterans groups](#), and caught the attention of President Trump late last year after Golsteyn's wife, Julie, appeared on Fox News. In a Dec. 16 tweet, the president pledged to review the case “at the request of many” and called Golsteyn “a U.S. Military hero.”

The case also has re-energized long-running arguments about how U.S. troops should behave in combat while guided by rules that their enemies often do not follow, and how the military should treat a war hero if he is suspected of war crimes.

Golsteyn, 38, has rarely discussed the case in public, leaving it to his wife, civilian attorney Phillip Stackhouse and other supporters. But in a two-hour interview with The Washington Post, he defended his actions and lambasted Army investigators for how they characterized his actions in official reports. Golsteyn said he is grateful for the president's attention and would welcome a pardon but cannot expect it.

“It's not an insignificant thing living every day knowing that you're an enemy of the state,” said Golsteyn, who was recalled to active duty as a major to face the charge. “We are playing for a court-martial. It would

https://www.washingtonpost.com/world/national-security/they-do-not-obey-their-own-rules-soldier-facing-murder-case-says-he-must-defend-himself-against-the-army/2019/02/09/a4cdb5b2-2baf-11e9-97b3-ae59fbae7960_story.html

be pretty dangerous to be playing for a pardon, and then there is no pardon and we have to go to court-martial.”

The Army has declined to comment on how it has handled Golsteyn’s case. A spokesman, Lt. Col. Loren Bymer, said Golsteyn was charged after new evidence emerged, and an Article 32 hearing is scheduled for March 14 at Fort Bragg in North Carolina to assess whether the case should proceed to a trial.



Golsteyn, his wife, Julie, and their son Henry sit for an interview with The Post. (Sarah L. Voisin/The Washington Post)

“As an active law enforcement matter, the U.S. Army cannot comment on or release information related to the case,” Bymer said.

Golsteyn met with The Post in Washington at the headquarters of the International Association of Fire Fighters, a union for which Golsteyn serves as chief of operations. He took the job while preparing to move on from Army life, settling in Northern Virginia in August 2016, marrying Julie in May 2017 and having a son with her last year. He also has a 12-year-old-son from a previous marriage.

In Golsteyn’s office at work hangs military memorabilia from his career and a photo of him shaking President George W. Bush’s hand in 2002 as a new graduate of the U.S. Military Academy at West Point, N.Y. Golsteyn deployed to Iraq in 2003 and Afghanistan in 2009 after undergoing heart surgery in 2006 stemming from an accident at the Special Forces Underwater Operations School near Key West, Fla.

In January 2010, Golsteyn was deployed to Afghanistan with the 3rd Special Forces Group. As commander of Operational Detachment Alpha 3121, he would lead not only his unit but also about 30 Marines and 300 Afghan soldiers in a major offensive against the Taliban involving a total of 15,000 coalition and Afghan troops.

The Battle of Marja would prove to be far more violent than other missions.

For days, Golsteyn and his troops faced hours of gunfights. Explosives laced the city, and he and other service members were frustrated with rules of engagement that were designed to prevent civilian casualties but limited how aggressively they could target the Taliban.

On Feb. 18, a booby-trapped garage door exploded, killing Sgt. Jeremy McQueary, 27, and Lance Cpl. Larry M. Johnson, 19, Marine combat engineers deployed alongside Golsteyn’s unit. After a search, Afghan forces detained a man with bombmaking material. But Golsteyn said U.S. forces were told they could not keep any detainees because of the amount of resources doing so would require.

Golsteyn targeted the suspected bombmaker in circumstances that are still mysterious and central to the case. With a criminal charge pending, he declined to answer some questions, including how long the man had been free before he was killed, whether anyone else was with Golsteyn at the time and whether he reported the killing to anyone afterward.

“He probably had anywhere from between . . .” Golsteyn said of Rasoul, before stopping mid-sentence.

“To be honest, I don’t know because I was out [away from the base]. He had a long walk,” Golsteyn continued. “He had a long time to figure out where he was going in life.”

Rachel E. VanLandingham, a military justice expert at Southwestern Law School in Los Angeles, said the specifics of how Golsteyn targeted the man are central to the case. If Rasoul showed hostile intent and

https://www.washingtonpost.com/world/national-security/they-do-not-obey-their-own-rules-soldier-facing-murder-case-says-he-must-defend-himself-against-the-army/2019/02/09/a4cdb5b2-2baf-11e9-97b3-ae59fbae7960_story.html

Golsteyn used authorized tactics to target him, it would appear he committed no wrongdoing, she said. However, if he “was in actuality lying in wait for this guy,” she said, the situation is different.

“In other words, we may have a legitimate killing based on individual self-defense in response to conduct that demonstrates hostile intent, or we could have premeditated murder,” said VanLandingham, who once served as the chief of international law for U.S. Central Command. “Context of the ambush is everything.”

Golsteyn acknowledged disposing of the man’s body after the shooting and said it was not uncommon for U.S. troops to burn remains that went unclaimed in the war. In his earlier statements to the CIA, he said a couple of other soldiers were involved.

“We had bodies everywhere from aircraft fire, sitting in pools of water and we had to, when we came on the, dispose of them,” Golsteyn said. “There is no one to claim them. There was disease and pestilence, and on top of that it’s a source of booby traps and a huge hazard to our force.”

The case has been clouded by characterizations of Golsteyn’s actions in Army investigative reports.

An agent with U.S. Criminal Investigation Command who watched a recording of Golsteyn’s polygraph test wrote in one early report that Golsteyn told his interviewers that he and one other U.S. soldier had taken the deceased Afghan “back to his residence and assassinated him.” But Army officials conceded at a 2015 administrative hearing known as a Board of Inquiry that Golsteyn did not say that, Golsteyn said. The Army declined to comment.

The Army has declined to release the transcript of Golsteyn’s job interview that spawned the investigation or the 2015 hearing. A panel of three officers voted 2 to 1 that the service had not substantiated that Golsteyn violated the law of armed conflict, but it found he had demonstrated conduct unbecoming of an officer.

The Army initially closed its investigation in November 2013 without finding enough evidence to prosecute Golsteyn, even when offering immunity to his fellow soldiers. It pursued a number of administrative punishments instead, including the suspension of his security clearance, the revocation of his Silver Star and Special Forces tab, and the issuing of a career-ending memorandum of reprimand.

The Silver Star was awarded in 2011 for repeatedly braving enemy fire on Feb. 20, 2010, two days after the Marines were killed. Golsteyn was credited with braving fire during a four-hour battle in which he trudged through mud, returned fire, helped an Afghan soldier who had been shot and coordinated airstrikes.

The Army reopened its investigation in 2016, after Golsteyn appeared on Fox News and acknowledged killing a bombmaker in an interview with Bret Baier.

“There’s limits on how long you can hold guys, Golsteyn said at the time. “You realize quickly that you make things worse. It is an inevitable outcome that people who are cooperating with coalition forces, when identified, will suffer some terrible torture or be killed.”

Golsteyn told The Post that he has found the Army’s investigation dishonest, and he can no longer stay silent about it.

“I spent half of this hell quiet, and if there is anything I know, it’s that I will not get any semblance of due process — any ability to defend myself — if it’s not in public,” he said. “Because it’s the only thing these guys respond to. They do not obey their own rules.”

Navy captain who moonlighted as Fat Leonard's PR man is going to prison

By Geoff Ziezulewicz

Navy Times, February 9, 2019



Retired Navy Capt. Jeffrey Breslau, left, was sentenced Friday for providing public affairs services to "Fat Leonard" Glenn Francis while serving as an active-duty PAO. He is shown here in 2012, taking command of a public affairs unit in Virginia, the same time he was moonlighting with Francis, according to court records. (U.S. Navy)

A former U.S. Pacific Fleet spokesman who moonlighted as a PR guru for "[Fat Leonard](#)" Glenn Francis was sentenced to six months in prison Friday.

Now-retired Navy [Capt. Jeffrey Breslau](#) also must pay a \$20,000 fine and perform 250 hours of community service as part of the sentence handed down in a San Diego courtroom by U.S. District Judge Janis Sammartino.

Breslau also must reimburse the Navy the \$65,000 that Fat Leonard paid the captain "for insider advice that helped the contractor build a business empire that cost the Navy tens of millions of dollars," according to a U.S. Justice Department release announcing the punishment.

He pleaded guilty in November to a criminal conflict of interest charge.

Breslau's attorneys did not return a call seeking comment.

The 52-year-old wrote emails and provided talking points to Francis to help the portly Malaysian magnate build networks with five Navy admirals in order to secure rich Navy contracts for his in-port ship servicing company, Glenn Defense Marine Asia, or GDMA, according to a copy of Breslau's sentencing memo obtained by Navy Times.

Justice Department officials declined comment Friday when asked to identify those five admirals.

The memo states Breslau used "his specialized skills and privileged position, bestowed upon him by the U.S. Navy, for GDMA's benefit."

"Simply put, defendant sold his fiduciary alliance for \$65,000," the memo states.

The sentencing memo not only shows how the public affairs officer aided Francis until the corrupt contractor's 2013 arrest in San Diego, but it also connects the dots to Navy officers toiling on behalf of Leonard, and how they interacted with each other.

Breslau helped manage negative Fat Leonard news about a ship dumping waste in Philippine waters and a GDMA truck that killed a moped driver, according to the memo.

The captain gave Francis advice on dining with admirals at their homes, and Francis told of how he hooked up 7th Fleet staffers with tickets to a Lady Gaga concert in Thailand.

Breslau's Fat Leonard-related work began in 2012 when he was head of public affairs for Pacific Fleet and continued into 2013 when he led a crisis-communications command in Norfolk.

<https://www.navytimes.com/news/your-navy/2019/02/09/navy-captain-who-moonlighted-as-fat-leonards-pr-man-is-headed-to-prison/>

Along the way, he helped massage bad news Francis brought to him about the increasing scrutiny Navy officials were bringing to bear on GDMA, among other headaches, according to the memo.

Breslau met Francis in early 2012, a meetup “facilitated by another U.S. Navy officer, whom Francis had lavished gifts upon for years,” the sentencing memo states.

The two conversed about the “perceived unfairness and retaliation” hitting GDMA — issues ranging from competitors landing a contract for the Carl Vinson Carrier Strike Group’s April 2012 India port visit to complaints about a former GDMA employee who was later hired as the Pacific Fleet’s director of logistics, according to the sentencing memo.

Francis told Breslau that GDMA was being “unfairly targeted” by that former employee, identified in the memo as “Employee 1.”

“Staggeringly, at this time, (Breslau) worked with Employee 1, as both were senior staff at Pacific Fleet,” the memo states.

“In this exchange, Francis forwarded Breslau a number of U.S. Navy internal emails with competitor information and documents related to the relationship between GDMA and Employee 1,” the memo states. “Francis asked Breslau to review the documents and provide him with advice.”

Breslau suggested that Francis leverage his “key influencers” in the ranks, “which he identified as [Admiral 1]” and [Capt. David Haas](#), a former 7th Fleet director of operations who was indicted for his role in the scandal last summer, the memo states.

Haas’ attorney told Navy Times last summer that his client is innocent.

Francis sent a message to Haas and his deputy, [Cmdr. Michael Misiewicz](#), and “blind copied” Breslau, meaning the others couldn’t see his name.

That message contained an internal Fleet Logistic Center email about challenges to the India port visit.

Misiewicz is incarcerated at the United States Penitentiary Lompoc until March 23, 2022 for his role in the Fat Leonard public corruption scandal.

Breslau promised “talking points” about how to use damaging information about a competitor, but also urged Francis to be careful, according to the memo.

“[H]ope I was blind copied on the note below,” Breslau wrote, according to the memo. “Important to not compromise me even to your closest Navy brothers.”

He added that an unidentified Navy captain was “the only one who knows I am providing advice and it is best to keep it that way,” according to the memo.

“Rest assured, your identity is protected,” Francis replied.

A few days later, Breslau advised Francis to meet with several unidentified admirals in order to share his concerns about the former GDMA employee now heading up logistics for Pacific Fleet, the memo states.

Breslau and his side boss emailed in May 2012 about communicating with a flag officer identified in the memo as “Admiral 4.”

“Francis opined that Admiral 4 may have been ‘spooked’ by a recent ethics message sent through the Pacific Fleet (to be ‘wary about GDMA ethical business practices’) coupled with the general perception that GDMA ‘is under (Naval Criminal Investigative Service) investigation,’” the memo states.

<https://www.navytimes.com/news/your-navy/2019/02/09/navy-captain-who-moonlighted-as-fat-leonards-pr-man-is-headed-to-prison/>

Breslau agreed with Fat Leonard's plan to contact [Capt. David Lausman](#), then-commanding officer of the aircraft carrier George Washington and Admiral 4's subordinate.

Lausman's case is ongoing, according to court records.

"Breslau agreed that Lausman was in a 'very good position to help' and '(he) can whisper to [Admiral 4] for you,'" the memo states. "Although context is muddled, Breslau added, if this happens, it keeps [Admiral 4] safe during any investigation."

Admiral 4 replied to Francis and invited him to dinner at his home in Japan, and Breslau helped craft talking points, according to the memo.

"Breslau responded that the dinner event would be a great opportunity to strengthen Francis's relationship with Admiral 4 and impress another U.S. Navy Admiral, Admiral 5, who would also be in attendance," the memo states.

Breslau said Francis should bring his wife so that "she can help distract the other spouses and give you a better opportunity to talk with your friends," the memo states.

"Plus, she can also help carry flowers," Breslau suggested. "You only have two hands and four couples to meet with."

Also in May 2012, Francis told Breslau that the 7th Fleet's Chief of Staff wanted to go see Lady Gaga in Thailand — and Francis was going to make it happen, according to the memo.

Breslau urged Francis to "be careful with this email" and that the chief of staff's email was being monitored, the memo states.

That chief of staff is not identified in Breslau's sentencing documents.

Francis later called Breslau a "brilliant strategist" in an email and told his consultant he had booked 12 Lady Gaga tickets "and provided eight of the tickets to Seventh Fleet Staff," the memo states.

Later that month in an email exchange, "Breslau recommended Francis take his wife to Tokyo so she can shop with Admiral 1's wife and then the four of them could go out to dinner and late night drinks," the memo states.

At one point that year, the two conferred about getting a Supply Corps member to file an anonymous Inspector General complaint about the former GDMA employee who had joined the Pacific Fleet staff and was impugning Francis's company, according to the memo.

Breslau helped Francis manage other issues in late 2012, including Navy ship sewage being dumped into Philippine waters.

Francis forwarded "internal U.S. Navy messages from Seventh Fleet Logistics" discussing that allegation "as well as the sinking of a picket boat, and the killing of a moped rider by a GDMA bus," the memo states.

"Francis asked Breslau for his expertise in extinguishing the 'wild malicious allegations,'" prosecutors wrote. "Breslau agreed to assist in minimizing GDMA's exposure to these allegations and draft a response for Francis to provide to the N4 and anyone else who asked."

Investigators believe Breslau eventually grew overwhelmed with all the tasks he was juggling.

"I am averaging three hours a sleep over the past four nights between the [U.S. Navy] exercise in South Carolina, travel to Bogota, trip prep, day job, and [consulting for] Leonard so I am not as sharp at the moment and hope I am not confusing things too much," he wrote in June 2013.

<https://www.navytimes.com/news/your-navy/2019/02/09/navy-captain-who-moonlighted-as-fat-leonards-pr-man-is-headed-to-prison/>

A few months later, in September, Francis was arrested in San Diego.

He had been meeting with Navy officers and presented them materials about new Asian opportunities, the memo states, “all of which had been edited by Breslau.”

Over time, Breslau wrote, reviewed or edited at least 33 documents and crafted at least 135 emails advising Francis.

And on at least 14 occasions, Breslau provided Francis with talking points before the magnate’s meetings with high-ranking Navy personnel, prosecutors wrote.

Breslau called himself Fat Leonard’s “priest” because of their relationship’s confidential nature, and Francis praised the captain as a ghost writer.

“Thanks for the compliment with regard to the ghost emails,” Breslau replied. “Glad to help.”

Breslau is the latest high-ranking officer to get snagged in the west Pacific web of bribes, booze, prostitutes and classified info leaking that is the Fat Leonard scandal.

Francis pleaded guilty in 2015 to bribery and fraud charges for overseeing a sprawling 10-year conspiracy that saw him plying Navy officials with luxury travel, five-star hotels, top-shelf boozes, prostitutes and even plump Spanish suckling pigs in exchange for information on lucrative contracts.

Breslau faced a max sentence of five years in prison and a \$250,000 fine.

He becomes the 18th former or current Navy official to plead guilty in federal court as part of the scandal.

Thirty-three defendants overall have been charged so far, and 22 have pleaded guilty.

The Justice Department has forwarded hundreds of lower-level cases to the Navy for adjudication.

That review continues.

SEE ALSO:

[Navy Spokesman who Moonlighted as Fat Leonard's Adviser Sentenced to Prison](#) [*Military.com*, 2019-02-09]

Navy officer faces court-martial in wife's death, ending a long legal odyssey

By Geoff Ziezulewicz

Navy Times, February 12, 2019



Navy Lt. Craig R. Becker will be arraigned in a Naval Base San Diego courtroom this week, the latest twist in an unprecedented case that left the highly-decorated Explosive Ordnance Disposal Technician in the hands of Belgian authorities for more than two years while American military leaders declined to assert jurisdiction. (Department of Defense)

More than three years after his wife fatally fell seven stories from their Belgium apartment building, a Navy officer has been charged in her death.

Lt. Craig R. Becker will be arraigned in a Naval Base San Diego courtroom this week, the latest twist in an unprecedented case that left the highly-decorated Explosive Ordnance Disposal Technician in the hands of Belgian authorities for more than two years while American military leaders declined to assert jurisdiction.

Serving at a NATO command and living in the city of Mons at the time of his wife's 2015 death, Becker fell under the alliance's [Status of Forces Agreement, or SOFA](#).

Ratified in 1951, the SOFA allows for the U.S. military to take primary jurisdiction over cases involving alleged wrongdoing tied to personnel serving overseas.

But Navy leaders declined to take over Becker's case and only relented when former Defense Secretary James Mattis [ordered them to do so in January 2018](#).

Now in the military criminal justice system, Becker faces a premeditated murder charge in the death of his wife, [Johanna Hanna Elizabeth Hove-Becker](#), who plunged to her death on Oct. 8, 2015.

Becker also faces an assault charge for "unlawfully" poisoning his wife that same day with a drug cocktail of the opioid tramadol and the sleeping medication zolpidem, charge sheets state.

Prosecutors contend that Becker physically and emotionally abused his wife until she died, beginning with an alleged strangling during a 2013 domestic dispute.

He also has been charged with conduct unbecoming an officer and a gentleman, according to the charge sheet.

Authorities believe that Becker sent text messages to an unnamed individual and pretended to be his wife on the day she died, the charge sheets indicate.

Prosecutors allege Becker also lied to Belgian police that he didn't know the password to his wife's cellphone.

"My client is innocent," said Jeremiah J. Sullivan III, Becker's civilian defense attorney. "We will look forward to his acquittal after trial."

Johanna Becker's father, John Hove, did not respond to requests for comment on Monday.

No trial date has been set.

<https://www.navytimes.com/news/your-navy/2019/02/12/navy-officer-faces-court-martial-in-wifes-death-ending-a-long-legal-odyssey/>

Becker enlisted as a Navy deep sea diver in 1999 and was commissioned in 2007. He's assigned to [Explosive Ordnance Disposal Mobile Unit 12 Detachment Newport](#) and returned to the United States last year from Belgium after he was freed from house arrest, Sullivan said.

Belgian authorities arrested Becker in early 2016 but the lieutenant stayed in Belgian custody and was denied a speedy trial in an American court, Sullivan argued in a series of letters designed to prod military authorities in Europe to take SOFA jurisdiction over the matter.

Sullivan feared that Becker had been abandoned to a judicial system that failed to uphold high standards for weighing evidence, including allowing witnesses to reconstruct their recollections of his wife's final days in Belgium through the use of hypnosis.

Sullivan accused Navy leaders in Europe of forum shopping the case to a foreign court to circumvent Becker's constitutional rights.

So Sullivan took his case to then-Secretary of State Rex Tillerson in late 2017, warning that Becker's expertise with nuclear weapons and lofty security clearances made him a terrorist or espionage target if he was sentenced and imprisoned in Belgium.

In a Dec. 21, 2017 letter to Tillerson, Sullivan accused the Navy's top lawyer at the time, Vice Adm. James Crawford, of unwittingly creating "a national security threat by abandoning LT Becker in a foreign country that is a haven for terrorist cells and foreign intelligence agencies."

About five weeks before he wrote Tillerson, Sullivan filed for mandamus relief in federal District Court.

The complaint sought to force Mattis, Navy Secretary Richard Spencer and Crawford to invoke SOFA jurisdiction for Becker and put him in the military criminal justice system.

In his filing, Sullivan noted the irony of Becker being forced to stand trial in Belgium, a "system that does not provide the constitutional protections that LT Becker was prepared to die for on the battlefield."

In a Jan. 2, 2018 memo, Mattis relented and Sullivan dismissed the federal case against him and the other military leaders.

Why the Navy never invoked SOFA jurisdiction in Becker's case remains unclear.

Officials with the Naples, Italy-based 6th Fleet and other regional commands did not respond to Navy Times questions by Monday's deadline.

New legal bombshells explode on two Navy SEAL war crimes cases

By Carl Prine

Navy Times, February 10, 2019



Special Warfare Operator Chief Edward “Eddie” Gallagher in Iraq in 2017. (Courtesy photo)

Chief Special Warfare Operator [Edward “Eddie” Gallagher](#) not only stabbed to death [a teenage wounded Islamic State prisoner of war](#) during a 2017 deployment to Iraq, according to an officer in his chain of command, but the SEAL also called in “false target coordinates to engage a mosque,” tried to push his platoon into pointless and potentially catastrophic firefights with insurgents and became so mentally unstable that he should’ve been relieved from duty but wasn’t.

Those allegations are contained in a proffer from the officer sent to military officials on Wednesday [seeking immunity from prosecution](#) in the sprawling war crimes case roiling California-based SEAL Team 7.

Proffers are legal documents that outline what potential witnesses will say on the stand in a court-martial trial in exchange for immunity from prosecution for crimes they also might’ve committed.

Military prosecutors have charged Gallagher with killing the Islamic State detainee on May 3, 2017, shooting at innocent civilians with his sniper rifle at other times and later attempting to coerce potential witnesses to conceal his alleged war crimes.

His commanding officer at SEAL Team 7’s Alpha Platoon outside Mosul in mid-2017, Lt. [Jacob X. “Jake” Portier](#), also faces a raft of charges for allegedly trying to conceal his chief’s crimes.

According to copies of the documents obtained by Navy Times, Wednesday’s proffer and another drafted on Jan. 17 for a senior enlisted leader in SEAL Group 1 not only divulge new allegations against Gallagher and Portier, but they also question how eager several of their superiors at Navy Special Warfare were at probing the war crime accusations.

Copies of federal search warrants also obtained by Navy Times show investigators have been tracing electronic communications across the SEAL community and have seized cellphones of those involved.

The twin proffers and search warrants are the clearest indications yet that there are active probes into senior enlisted and commissioned SEALs, a potentially damning indictment of the culture of the usually tight-knit community of clandestine commandos.

Because these witnesses are expected to return to operational SEAL teams, military officials have asked Navy Times to continue its policy of not printing their names or disclosing information that could identify them to overseas terrorists who would put them or their families at risk of harm.

Navy Times also has agreed to not publish information that could compromise tactical secrets.

Officials at California-based Naval Special Warfare Command and Navy Region Southwest either declined to comment or didn’t return multiple messages from Navy Times seeking comment over the span of two days.

<https://www.navytimes.com/news/your-navy/2019/02/10/legal-bombshells-explode-on-two-seal-war-crimes-cases/>

In his proffer request submitted on Wednesday to military prosecutors at [Region Legal Service Office Southwest](#), a lieutenant who served as Alpha Platoon's Assistant Officer in Charge — or AOIC — indicated he's prepared to deliver some of the most damaging testimony to both Gallagher and Portier.

Written by Michael Hanzel, a former Navy attorney now in private practice specializing in military cases, the lieutenant's proffer indicates he believes senior leaders failed to take action against Gallagher because of their close links to the chief.

Portier was Gallagher's student going through SEAL BUD/s training. Their troop commander, Lt. Cmdr. Robert Breisch, was a prior-enlisted sailor who became an officer — a "mustang" — who also had worked closely with Gallagher. And a SEAL command master chief in a deploying team also had known Gallagher before he rose to his position.

In his proffer, the AOIC stated he "felt chilled in talking to his chain of command at the team" about Gallagher and Portier because problems he "raised were either heard and not acted upon or completely disregarded."

It was the AOIC's first combat tour as a SEAL and "although he invested a lot of faith and trust in his leadership to guide him and do the right thing, ultimately the message he got back was that no one wanted to hear what he had to say or heard it and tried to contain the information from being released," he told prosecutors.

Although the AOIC's proffer seeks blanket immunity from any future prosecution in exchange for his testimony, his attorney Hanzel said he was motivated to come forward "because he's trying to do the right thing."

"He's a SEAL for the right reasons and he wants to remain a SEAL," said Hanzel. "He never expected to get caught up in this and he fears retaliation if he tells the truth."

One of Gallagher's civilian attorneys, Phillip Stackhouse, cautioned that the legal significance of the AOIC's proffer request could dissipate significantly once he's under oath, even if he's been granted immunity from future prosecution.

"If he lies during a proffer session, he could be prosecuted for it," said Stackhouse. "The statement he makes also can be used to impeach him."

Stackhouse continues to insist his investigation will show that Gallagher committed no crime and a panel of the SEAL's peers will agree with him.

Although the AOIC's proffer request detailed concerns he raised about Gallagher's fitness for duty before, during and after the 2017 deployment to Iraq, his narrative indicates his relationships with both the chief and Portier became increasingly strained as time marched on.

Initially, many of the AOIC's concerns stemmed from a growing belief that Gallagher was exercising poor judgment that could pointlessly get SEALs killed.

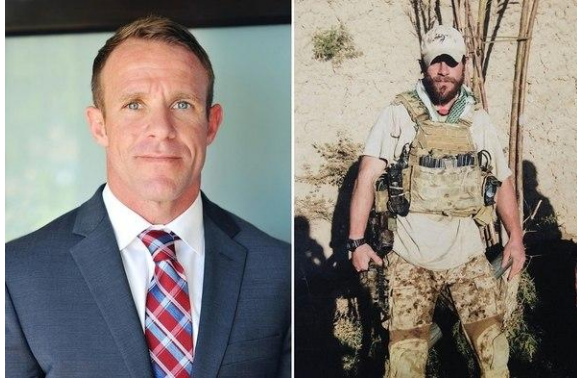
At one point, Gallagher told him that Alpha Platoon needed to find Islamic State elements and get in "one good TIC" (Troops in Contact, the direct and violent engagement with an enemy), "one where you need to focus on your field of fire or else you could take (a bullet) to the side of the head," according to the proffer.

The AOIC told Gallagher this sort of training by fire "was extremely unnecessary" but Gallagher shot back that his SEALs were "all a bunch of pussies," the document states.

<https://www.navytimes.com/news/your-navy/2019/02/10/legal-bombshells-explode-on-two-seal-war-crimes-cases/>

The AOIC told prosecutors he had come to believe Gallagher was “going to put the platoon in extreme danger” and an unassertive Portier would do too little to stop him.

He said he became so alarmed by Gallagher that he began to examine the plans of every operation “in order to mitigate the risks, and tried to go out on every operation he could to make sure that the lives of his teammates weren’t being unnecessarily jeopardized.”



Special Operations Chief Edward "Eddie" Gallagher, a highly decorated Navy SEAL, is fighting murder charges tied to the death of an Islamic State operative in Iraq. (Photos provided)

The AOIC indicated he’s willing to testify about a raid Gallagher proposed in July 2017 that involved “shooting people under the bridge.”

The AOIC told prosecutors he interjected because of flaws in the plan, including a non-existent goal to achieve by the attack, the lack of reasons for gunning down the people under the bridge and the failure to include contingency options if they got pinned down on the riverbank.

The AOIC “stressed that this was putting their platoon in an extremely vulnerable position for a mission that was not even authorized,” an argument that ended not only the conversation but the proposed raid, according to the proffer.

The AOIC was so worried about Gallagher that he made it his bedtime ritual to practice calling in [MEDEVACs](#), which front-line troops call “9-Lines” to brief inbound helicopters that medically evacuate wounded personnel, he added.

The AOIC said he stressed the rules of engagement handed down from superiors to Alpha Platoon, regulations designed to prevent the killing of civilians, but this “sparked aggression” from Gallagher.

As Iraqi government forces drew closer to liberating Mosul from the Islamic State in July 2017, he recalled watching ISR footage — an intelligence, surveillance and reconnaissance feed, often shot with a drone aircraft — with Gallagher and other SEALs.

It showed female Islamic State fighters ambushing Iraqi troops in a bloody last stand.

The AOIC said he is prepared to testify that Gallagher got in his “face and said, ‘See, I told you! They’re all ISIS.’”

After Mosul fell to Iraqi forces, the AOIC recollected a conversation he had with the lead petty officer in the SEAL platoon and Gallagher about why they joined the Navy. The SO1 and the AOIC said they put on the uniform due to “loving their country and trying to live by the SEAL ethos,” he said.

But Gallagher “said that he didn’t believe in any of that, and that he joined the military so he could get the chance to kill someone.”

The AOIC said that triggered another round of discussions with Portier about relieving Gallagher.

The AOIC told prosecutors he’s prepared to testify about another incident that occurred in a safe house in northern Iraq in which Gallagher asked “how easy it would be to kill someone back home” and if he “could get away with it.”

<https://www.navytimes.com/news/your-navy/2019/02/10/legal-bombshells-explode-on-two-seal-war-crimes-cases/>

The AOIC said he was “shocked that SOC Gallagher would say this and believes most of the people there were shocked as well.”

The tension dissipated when someone joked “it would be pretty hard nowadays with technology and security cameras,” the AOIC indicated.

In the final sentence of his proffer, the AOIC directly accused Portier of “ordering the destruction of video and reports in order to avoid their use as evidence in investigations.”

The AOIC told prosecutors Portier not only knew about many of these incidents, but so did a pair of senior enlisted and commissioned troop leaders who visited Alpha Platoon during the summer of 2017 and continued to interact with the SEAL team after they returned home to California.

The AOIC recalled driving with Breisch into the western side of Mosul. He said Breisch informed him that Iraqi forces were bringing in another detainee. Breisch ordered him to question the prisoner and offer him food and water, but the detainee was to remain in the official custody of the Iraqis, according to the proffer.

When the Iraqis yanked the burlap sack off the prisoner’s head, the AOIC saw an elderly, blindfolded man who looked famished and parched. After a few nibbles of food, he told the AOIC that he was a technician who had been imprisoned by the Islamic State to toil at the Mosul Hospital, he recalled.

But in the middle of the interrogation, Gallagher “leaned his back against the wall and pulled out his tomahawk” and began tapping the blade “against the cement wall in a threatening manner,” the AOIC alleged.

Realizing that the “situation was escalating,” the AOIC said he pulled Breisch and Gallagher together in another room “to diffuse the situation.”

It remains unclear in the proffer whether Breisch took any action against Gallagher, but the lieutenant commander left with the chief, according to the AOIC’s statement.

The AOIC said Breisch’s senior enlisted adviser, the troop chief, also should’ve been on notice about Gallagher’s alleged misconduct.

During that visit in the summer of 2017, the AOIC said he was in the mission planning room while Gallagher was giving the troop chief a tour of the building. The AOIC told prosecutors he put Gallagher “on the spot and told him to tell (the troop chief) about the detainee” he allegedly stabbed to death.

Gallagher, the proffer states, “became clearly flustered” and muttered something about how “they were getting that close to insurgents.” Although the AOIC said he wasn’t sure if the troop chief understood that this was a war crime, he thought the senior enlisted leader “would look into it or at a minimum talk to (Breisch) about it,” but nothing further seemed to come “from this notification,” according to the proffer.

Once the SEAL platoon rotated home in late 2017, rumors continued to swirl throughout the SEAL community in Coronado about Gallagher’s alleged misconduct in Iraq.

The AOIC said he was informed that there would be a platoon meeting in Alpha’s highbay (a locker room) and Gallagher would be given the chance to speak to the junior SEALs.

He said he confronted Portier in the parking lot outside the meeting room and told him “they needed to do something about SOC Gallagher’s actions instead of giving him a platform to speak.”

The AOIC said Gallagher suddenly rushed up to them, got in the AOIC’s face and said, “If you take me down, I will take all of you down.”

<https://www.navytimes.com/news/your-navy/2019/02/10/legal-bombshells-explode-on-two-seal-war-crimes-cases/>

After the SEAL powwow, the AOIC said Gallagher sidled over to him to reimburse him for a haircut he bought the chief during the deployment in Iraq. The AOIC refused and looked at Portier and said, “You know this is not about the money,” according to the proffer.

The AOIC told prosecutors he later confronted Breisch about the status of a proposed Silver Star award to Gallagher for battlefield valor.

The AOIC said he told his superior he wasn’t “comfortable routing the award” because Gallagher’s actions didn’t deserve such a lofty commendation, but Breisch allegedly told him, “Keep your personal feelings to yourself because the command expects this award” and the conversation abruptly ended, according to the proffer.

The AOIC recalled another talk he had with a SEAL command master chief over beers at [the Veterans of Foreign Wars post in Coronado](#) in November 2017. It was the command master chief, the AOIC said, who brought up allegations of illicit drug use within Alpha Platoon, but then continued with the more serious accusations dogging Gallagher.

According to the AOIC, the command master chief asked him “if he wanted to get SOC Gallagher in trouble.” The AOIC retorted that Gallagher “needed serious help because of his current unstable mental state” and the command master chief should discuss this with his superiors, Portier and Gallagher, according to the proffer.

The AOIC told prosecutors that it was during these weeks after the platoon came home from deployment that Breisch, his troop chief, Gallagher and Portier “would walk in the room, tell him to leave (sometimes along the lines of ‘Get out’ or ‘Get the fuck out’) and have closed door discussions,” sessions he thought “very unusual from their daily routine.”

The AOIC said in the proffer that these “meetings lasted over an hour at a time” and occurred “multiple times.”

The second proffer submitted to prosecutors on Jan. 17 by Brian Bouffard, a Texas-based attorney, on behalf of the troop chief sheds more light on SEAL Team 7’s inner workings.

The troop chief indicated he began a series of conversations with Alpha Platoon’s lead petty officer around Christmas in 2017. He remembered rumblings about Gallagher allegedly stealing nutrition bars and beef jerky out of care packages, plus concerns about Gallagher’s leadership raised in the autumn, but the troop chief said he “had heard nothing whatsoever” about alleged war crimes.

During one conversation, the SO1 told him Gallagher also filched sunglasses and money but “it was a lot more than that,” according to the troop chief’s proffer.

The troop chief told the SO1 the allegations weren’t enough to derail a looming advancement of Gallagher to senior chief but that his proposed Silver Star already had been yanked, the proffer indicates.

It was then that the SO1 directly accused Gallagher of stabbing the Islamic State detainee in the neck until he died, the troop chief said. The SO1 told him the platoon members “holding the detainee down jumped back in shock and surprise.”

The “emotional” SO1 called Gallagher “a psychopath” who “should never be in a position to lead and seemed relieved to tell him about the alleged incident, according to the proffer.

<https://www.navytimes.com/news/your-navy/2019/02/10/legal-bombshells-explode-on-two-seal-war-crimes-cases/>

The troop chief asked him why no one had reported the alleged murder and the SO1 answered that they thought it was pointless because of Gallagher's close ties to the entire chain of command, not to mention the prospect "about other people getting in trouble or caught up in things," the proffer stated.

The troop chief told prosecutors that after Christmas 2017, several Alpha Platoon members wanted to take their concerns directly to the Group 1 leaders, hurdling the troop chain of command. So he went to see Group 1 Command Master Chief Steve Ward to brief him on the allegations.

The SEALs never went to Group 1's commodore, the troop chief told prosecutors, and he and Ward decided it was time to pull Gallagher out of his post-deployment billet training SEALs.

In his proffer, the troop chief said the SO1 told him Gallagher had begun threatening to harm former Alpha Platoon members and their families. He said that the SO1 believed Gallagher had begun contacting staffers at Naval Special Warfare's Development Group in Dam Neck, Virginia, about several former Alpha SEALs training there "to harm the careers of these sailors."

The troop chief told prosecutors he took the allegations seriously because they came from "solid performers who should be taken seriously" and advised SEAL leaders that the proper venue for the probe now rested with Naval Criminal Investigative Service, not Group 1.

At the same time, the troop chief was leading Gallagher on in early 2018, according to his proffer. He told prosecutors he didn't want Gallagher to know he was aware of the war crimes allegations, especially that Gallagher "may have committed a homicide."

By this time, Gallagher had been transferred to Group 1, where he worked as an assistant in the operations section of the training wing. The troop chief had become the senior enlisted adviser for Group 1's operations department, but he told investigators the training team didn't fall under his control.

That didn't prevent Gallagher from texting him repeatedly to complain about his former Alpha Platoon SEALs. The troop chief told prosecutors he eventually pulled Gallagher into a classroom and alluded to more serious allegations coming from the SEALs, including the accusation that he murdered the prisoner of war.

It was then, he said, that Gallagher announced he had killed the wounded detainee "in self-defense," according to the proffer.

The troop chief told prosecutors he was puzzled by Gallagher's statement. He said SEALs do not consider a knife to be a "reasonable or advisable method of killing, given all the other weapons, including grappling and hand-to-hand combat that SEALs are trained to employ."

"Knife kills are virtually unheard of in the SEAL community," the proffer states.

SEE ALSO:

[Murder trial of Navy SEAL postponed for 3 months](#) [*The Associated Press*, 2019-02-13]

[Military judge airs concerns in Navy SEAL's murder case](#) [*The Associated Press*, 2019-02-12]

Someone urinated in a female sergeant's boots. Now the California Air National Guard faces coverup allegations

By Alene Tchekmedyian and Paul Pringle

Los Angeles Times, February 9, 2019



The 144th Fighter Wing is home to more than 100 officers, including about two dozen fighter pilots who fly F-15 Eagle aircraft, and roughly 1,000 enlistees in support units. (Tech. Sgt. Charles Vaughn / U.S. Air National Guard)

For Staff Sgt. Jennifer Pineda, a 15-year veteran of the California Air National Guard, the military was a family calling. She followed her older sister and brother-in-law into the guard, where she now holds an administrative position at the elite 144th Fighter Wing in Fresno.

On a March morning four years ago, Pineda was about to dress into a uniform she had stored overnight in a stall in the women's bathroom when she made a foul discovery.

Someone had urinated in her boots.

The incident left Pineda humiliated and frightened and would trigger a series of behind-the-scenes investigations whose scope has come to extend beyond what happened that day at the Fresno base.

The defiling of Pineda's boots has led to allegations that high-ranking officers tried to bury the incident, including by destroying evidence that could have potentially identified a suspect through DNA, and retaliated against a male pilot who supported her efforts to find the perpetrator, according to interviews and guard records obtained by The Times. Some in the wing have begun calling the ongoing saga "Pissgate."

After The Times began asking questions about the Pineda episode, the California Military Department, which oversees the guard, asked the U.S. Air Force Inspector General's Office to conduct an investigation.

In the backdrop of the #MeToo movement, guard leaders are concerned about the degrading nature of the act aimed at a woman, according to two sources close to the investigation, who requested anonymity because they are not authorized to publicly speak about the matter. Only about 20% of the officers and enlisted members in the guard are women.

The inspector general's inquiry is the third investigation into the Pineda affair and part of a broader probe into whether whistle-blowers at the 144th wing suffered reprisals for questioning the actions or conduct of their superiors on a range of matters. At least five guard members from the 144th wing, including a pilot who was killed in October in a crash during a training mission in Ukraine, filed formal complaints. The guard recently suspended a 144th commander for reasons it said were unrelated to the Pineda incident.

"This boils down to just unprofessional leadership and cronyism," said Maj. Dan Woodside, a retired 144th fighter pilot who is a witness in the inspector general's Pineda investigation and has complained about how she was treated. "If anybody had urinated in their boots, they would have done everything they could to find the perpetrator, even if it involved calling the FBI."

Two of the guard's top officers held key leadership positions at the 144th at the time of the Pineda incident: Maj. Gen. Clay Garrison, who has since become head of the air guard, and Col. Sean Navin, now one of its five wing commanders. Neither responded to requests for interviews.

<https://www.latimes.com/local/lanow/la-me-ln-california-air-national-guard-urination-20190210-story.html>

Maj. Gen. David S. Baldwin, who heads the Military Department, declined through a guard spokesman to be interviewed. Baldwin said in a written statement to The Times that “in order to protect the integrity of that ongoing investigation, we cannot disclose additional details.”

The California air guard is the second largest, after New York’s, in the Air National Guard, which is a force of more than 100,000 pilots, other officers and enlisted people. Many of the pilots are part-time reservists, signing up after careers in the U.S. Air Force, and some fly in their civilian lives for commercial airlines.

The guards function as state militias whose leaders report to the governor. They patrol state airspace and stand ready to respond to natural disasters and large-scale terrorist attacks.

In California, [the air guard helped fight recent wildfires](#), flying drones over the blazes to feed intelligence to fire crews on the ground. Its fighter pilots are regularly deployed to assist the Air Force in combat and other operations overseas.

The 144th is the biggest wing in the state. It is home to roughly 115 officers, including about two dozen fighter pilots, and more than 1,000 enlistees in support units. For every officer in the wing, there are about nine enlistees in roles that are essential but carry much less clout.

Pineda, 34, is one of them.

After joining the guard in 2004, she spent several years in the wing’s command post as a dispatcher before moving to the operations group, according to interviews with guard colleagues. Pineda declined to comment for this story.

Soon after she reported that someone had urinated on her boots, members of the 144th’s security forces, who police the base, arrived at the location, attempted to lift fingerprints and had photos taken of the scene, according to an [internal investigative record obtained by The Times](#). The security airmen collected the urine from the floor and reviewed hours of security camera footage, the document states.

Investigative records describe the incident as “vandalism.” If committed by someone with a rank of second lieutenant or higher, legal experts said, the act could also be considered the more serious crime of conduct unbecoming an officer. The perpetrator, they said, could be prosecuted and jailed in a court martial, forced to retire in an administrative proceeding at a reduced rank and pension, or handed a lesser punishment such as a reprimand.

The investigators asked Pineda, then a single mother of two, who she thought could have had a motive to target her, according to the report. Pineda named two women who “have had issues with” her in the past, and her supervisor later suggested one more, the report says. It states that all three women were questioned.

The results of the investigation were inconclusive, the report says.

About two months after the investigation began, the commander of the fighter squadron at the time, Navin, called Pineda and her supervisor into his office to share the results, according to May 2015 memos that Pineda and the supervisor wrote to document the conversation.

Navin apologized that the investigation did not find the perpetrator, according to the memos. In Pineda’s memo, she wrote that Navin said killings go unsolved every day and these things just happen.

“I started to ask him how I was supposed to come to work and feel OK in a work environment where I have been violated like this,” Pineda said in her memo.

Pineda said in the document that she had begun securing her uniform in a locker, parks where she can see her car from her work desk window and keeps the desk locked up each night.

<https://www.latimes.com/local/lanow/la-me-ln-california-air-national-guard-urination-20190210-story.html>

Soon after the first investigation was shelved, a [second was opened when “new information” revealed](#) that pilots had been drinking in a nearby break room the evening before the discovery and “may have information regarding the incident or may have possibly been involved in the incident,” according to a guard report and interviews. Navin, the commander who had shared the results of the first investigation with Pineda, had been in the break room as well that evening, the report says.

Investigators questioned 18 people, including Navin, Woodside and four other guard members who said they had been in the break room, called “The Merge.”

The two investigators told at least some of the pilots that they might be asked to undergo polygraph tests and that the urine collected from the scene would be tested for DNA, Woodside said. Some were also questioned about how much Navin had to drink, he added.

In a second interview with investigators, Pineda said a couple of pilots told her they suspected Navin of urinating on her boots, the report says. She said she felt that Navin “doesn’t trust her work abilities,” according to the report.

Navin denied being involved, guard records show. He told investigators that he had no conflicts with Pineda and was never inside the women’s bathroom where she left her boots and clothing.

The investigator who authored the report wrote that the interviews “did not lead to any new conclusions” or identify any suspects.

In August 2015, Pineda filed a whistle-blower complaint. She wrote that the main investigator told her that the evidence showed that a woman could not have urinated in the boots, but that she heard that officers speculated that she urinated in them “for attention.” In the complaint, Pineda said that “makes me want this investigation to be complete and legit to prove that I did not do this to myself.” She added that she feared she could be forced to leave the guard.

The guard declined to comment about the status of Pineda's complaint.

Last year, Lt. Col. Rob Swertfager, a 144th pilot, filed a complaint alleging that commanders punished him — including by withholding his pay on occasion — for going to bat for Pineda by telling a superior that the first investigation might have been mishandled. His complaint is part of the inspector general’s investigation. He declined to comment for this story.

Woodside said the head of base security, then-Lt. Col. Dave Johnston, told him that 144th “leadership” ordered him to shut down the investigation and destroy all the evidence after investigators zeroed in on Navin. The evidence included Pineda’s boots and a vial of urine that was never tested.

Woodside said he believes “there was a cover-up.”

Johnston, since promoted to colonel, did not say who gave him the order, Woodside said. He said Johnston informed him about the destruction of the evidence during a 32-minute telephone conversation on Dec. 7, 2017. He produced phone records that showed such a call to Johnston’s number.

In interviews with The Times, four current and former guard members confirmed that Woodside told them about his phone conversation with Johnston shortly after it occurred.

Johnston declined to be interviewed. He said in two statements provided to The Times that [no one ordered him to dispose of the evidence](#). Johnston said [he had consulted with Garrison](#), who ran the base at the time of the incident, about destroying the evidence. Garrison’s only guidance, Johnston wrote, was that he first confer with the 144th’s judge advocate general at the time, who did not respond to interview requests.

<https://www.latimes.com/local/lanow/la-me-ln-california-air-national-guard-urination-20190210-story.html>

Johnston said he [authorized the destruction](#) because the second investigation had been closed for several months and the evidence was no longer needed. He declined to discuss why a DNA test was never conducted.

The lead investigator, Daniel Mosqueda, offered no explanation for not testing the urine.

“The way the investigation went, it didn’t happen,” he told The Times.

Woodside said he confronted Garrison about the investigation at a colonel’s retirement party in March 2017, after the evidence had been destroyed. He said Garrison told him that there was “no actual crime here” and that it would have been inappropriate to spend “thousands of dollars” on a urine test that wouldn’t produce usable information.

Depending on the condition of the specimen, a DNA analysis of the urine could have determined the perpetrator’s sex and perhaps identified him or her definitively through a comparison test, forensic experts told The Times. Typically, it would cost about \$1,000 to \$1,300, they said.

Experts on military and criminal law questioned the decision to destroy evidence without conducting a DNA analysis. Southwestern Law School Professor Rachel E. VanLandingham, who served as a prosecutor and criminal defense attorney during a U.S. Air Force career, said if evidence was destroyed to impede an investigation or protect someone, a case could be made for obstruction of justice.

“That needs to be looked into,” she said.

About a year after the incident, Navin was promoted to colonel and is now commander of the 163rd Attack Wing in Riverside County, overseeing more than 900 people and the deployment of the MQ-9A Reaper military drone.

A guard spokesman declined to say what prompted the recent suspension of the 144th commander, Col. Victor Sikora. Shortly after the suspension, Sikora called a meeting of pilots and support personnel at the Fresno base. He told the gathering that he had been informed he was suspended “due to the amount of investigations” the guard leadership was dealing with, according to a recording of the meeting The Times reviewed. He did not elaborate.

Sikora did not respond to requests for comment about the suspension.

Among the other complaints under investigation by the inspector general is one filed by [Lt. Col. Seth Nehring shortly before he was killed in October in a crash](#) during a training mission in Ukraine. No details of his complaint were available. The investigator leading the inspector general’s probe, Lt. Col. Shawna Pavey, did not respond to interview requests.

Dave Bakos, a retired general who served in the guard for 32 years and was deployed to Iraq and Afghanistan, said Garrison should have demanded a more thorough investigation from the start. Morale at the 144th has suffered, Bakos said.

“There are a lot of people unhappy up there,” he said. “They need a change at the top.”

Transgender sailor and Naval Academy alumna forced to resign for misconduct she denies

By Danielle Ohl

Capital Gazette (Annapolis, Md.), February 7, 2019



Ensign Alexandra Marberry walks through Dahlgren Hall at the Naval Academy after changing from a summer dress into her fatigues. She graduated from the Naval Academy in 2015, but has been separated from the Navy for misconduct she denies committing. (By Joshua McKerrow / Capital Gazette)

Alexandra Marberry, after graduating from the Naval Academy, became one of the nation's first transgender women allowed to transition while serving in the military.

More than two years later, Marberry is fighting the Navy to clear her record of sexual misconduct she maintains she did not commit. She believes she was targeted for being transgender.

In a GoFundme page posted Saturday, Marberry explains the circumstances surrounding her discharge and asks for help paying back the \$59,621.62 she now owes for failing to complete her service obligation after graduating from the Naval Academy.

In October 2016, Marberry was permitted to transition while on active duty, after spending time in limbo. She planned to train as a pilot, but while awaiting further guidance from the Defense Department, worked in an administrative role at the Naval Academy.

That year, the Defense Department under former President Barack Obama rolled out a new policy allowing transgender service members to transition to their gender identity during service. President Donald Trump rolled back these protections, first outright banning transgender people from serving in the military via Twitter. The Defense Department later refined the ban to place significant restrictions on transgender people who might want to serve.

Under the updated policy, transgender people who want to serve in the military can do so as long as they do not wish to transition so that their biological sex matches their gender identity. The Supreme Court last month upheld the amended ban while lawsuits move through the courts, but there is still one injunction barring the administration from carrying it out.

From January 2017 to September 2017, Marberry served as a gunnery and ordnance officer on the USS Winston S. Churchill. In June, a commanding officer called her into a meeting and told her she had to be off the ship in an hour, she said.

Marberry was forced to resign, she wrote on the GoFundme page, after another officer accused her of groping. She denies the accusation.

“I had been falsely accused of groping a transphobic officer who I had originally believed was an ally,” she wrote.

The Naval Criminal Investigative Service launched an investigation, which found no evidence of misconduct and recommended no further action, Marberry wrote. During the investigation, she was reassigned to an administrative position in Little Creek, Virginia.

<https://www.capitalgazette.com/news/annapolis/ac-cn-alex-marberry-discharge-20190207-story.html>

Her commanding officer held a non-judicial punishment hearing, an administrative hearing that allows commanders to discipline troops without a court-martial, and found her guilty, Marberry said.

NCIS spokesman Adam Stump confirmed Friday there was an investigation into Marberry's conduct, but would not confirm nor deny her version of events.

A superior officer recommended discharging her from the Navy, Marberry wrote.

"I fought that too, but eventually it came down to a choice I was offered: resign or be forcefully separated," Marberry wrote. "I 'chose' to resign with dignity, but the misconduct was placed on my permanent record, and my discharge was not the full Honorable discharge I should have received."

She submitted her resignation in June. The Navy formally separated Marberry in October.

Marberry is working with lawyers to get her debt erased and her service record changed to remove the misconduct, she said during a phone conversation Thursday, which has kept her from getting jobs.

This post has been updated with a comment from NCIS.

Racism

GM offers \$25,000 reward to nab those hanging nooses in plant

By Jamie L. LaReau

Detroit (Mich.) Free Press, February 11, 2019



A noose found on March 22, 2017 at GM Powertrain & Fabrications plant in Toledo. This is one of three nooses allegedly found at the plant. A group of black employees are suing General Motors for allowing alleged racism. (Photo: Mark A. Edwards)

General Motors says it is offering a \$25,000 reward to anyone who has information about racist graffiti and nooses found at a plant in Toledo, Ohio, nearly two years ago.

The reward, which GM said it put up in January, follows a story the Free Press [first reported](#) in November that nine black workers are suing GM, alleging the carmaker has allowed racial discrimination and failed to take prompt corrective action after the workers reported acts of racism at the GM Powertrain & Fabrications plant in Toledo.

The lawsuit was filed in September and the racial incidents started in spring of 2017.

"We have zero tolerance for discrimination, and we're doing everything we can to identify the culprit. This is another step we've taken, working with police to intensify the investigation," GM said in a statement to the Free Press. "We're outraged that anyone would face threats, and our hearts go out to anyone affected by this bigotry."

GM said its reward is offered through a CrimeStoppers program administered by Toledo police and the FBI.

An attorney for the litigants did not reply to a request for comment.

GM has said it has taken several steps to address the improper behavior, even stopping production to train workers on antiharassment and antidiscrimination policies after a noose was found in March 2017.

"Discrimination and harassment are not acceptable and in stark contrast to how we expect people to show up at work," GM said in a previous statement. "General Motors is taking this matter seriously and addressing it through the appropriate court process."

About 1,700 people work at the plant in Toledo. They build 6-speed and 8-speed rear-wheel-drive transmissions and 6-speed front-wheel-drive transmissions for GM trucks, sedans and sports cars.

Toledo Mayor Wade Kapszukiewicz released [a letter](#) to the media last week saying: "Over the past several weeks, I have met with community leaders, the Rev. Jesse Jackson Sr., and the leadership of General Motors North America to discuss the incident. During the meeting with GM leadership, I expressed my concern regarding employees feeling safe and supported when reporting these types of incidents and ongoing efforts to ensure a workplace culture that is free from discrimination and has a 'no tolerance' policy for racist acts."

The mayor said he hopes to work with GM leaders to "ensure a workplace that is safe and supportive to all of their employees and customers, and partner with them to ensure our residents and visitors feel that our community is welcoming."

<https://www.freep.com/story/money/cars/general-motors/2019/02/11/gm-reward-nooses-racism-toledo/2837838002/>



Workers wrote racist graffiti on bathroom stalls and walls at GM Powertrain & Fabrications plant in Toledo, said a lawsuit against General Motors. (Photo: Mark A. Edwards)

Prior to filing the lawsuit, four of the plaintiffs filed complaints with the Ohio Civil Rights Commission. In the complaints, they described the nooses and the other incidents of racist actions. In March 2018, the commission found probable cause that "GM engaged in unlawful discriminatory practices." The commission denied GM's request in April for reconsideration and ordered GM to "immediately provide its employees with an environment free of harassment, intimidation and hostility."

It ordered GM to establish an equal employment officer to train employees on antidiscrimination laws and write appropriate policies and procedures for addressing and investigating any future complaints. GM must also establish regular yearly training sessions, with curriculum submitted to the Ohio Civil Rights Commission in advance.

GM has said it has no knowledge of other racist acts in its Toledo plant.

"We did disagree with the commission's findings," GM spokesman Pat Morrissey said. "We fully cooperated with the investigation."

Contact Jamie L. LaReau at 313-222-2149 or jlareau@freepress.com. Follow her on Twitter [@jlareauan](https://twitter.com/jlareauan). Read more on [General Motors](#) and sign up for our [autos newsletter](#).

SEE ALSO:

[GM offers \\$25,000 reward for information on nooses and 'whites-only' signs at Ohio plant](#) [CNN, 2019-02-08]

[GM offering \\$25K reward for info on 'whites-only' signs, nooses found at plant](#) [The Hill, 2019-02-08]

Report on Covington High School incident finds no fault with students

By Dan Whitcomb

Reuters, February 13, 2019



A student from Covington Catholic High School stands in front of Native American Vietnam veteran Nathan Phillips in Washington, U.S., in this still image from a January 18, 2019 video by Kaya Taitano. (Kaya Taitano/Social Media/via REUTERS)

A probe into a videotaped incident at the Lincoln Memorial in Washington D.C. involving Covington Catholic High School students and Native American activists in January has found no evidence that the teenagers provoked a confrontation.

A private investigation firm retained by Covington Diocese in Park Hills, Kentucky studied the incident, which sparked outrage on social media. Its report was made public by the diocese on Wednesday.

Greater Cincinnati Investigation found that the students, who were in Washington D.C. to attend the March for Life anti-abortion rally, were met at the Lincoln Memorial by offensive statement by members of the Black Hebrew Israelites.

“We see no evidence that students responded with any offensive or racist statements of their own,” the report found, saying they responded by carrying out a school cheer.

The investigation also determined that the students did not direct any racist or offensive comments toward a Native American activist, Nathan Phillips, who waded into their group, although several performed a “tomahawk chop” to the beat of his drum.

In a photo that went viral from the incident Covington student Nick Sandmann, wearing a red baseball caps emblazoned with President Donald Trump’s “Make America Great Again” slogan, is seen standing face to face with the Phillips, staring at him with a smile while Phillips sings and plays his drum.

Phillips claimed in a separate video that he heard the students chanting “build that wall,” during the encounter.

The investigators said they found no evidence of such a chant and that Phillips did not respond to multiple attempts to contact him.

Sandman has said that Phillips waded into the group of students and began playing his drum as he locked eyes with him.

“I never interacted with this protester. I did not speak to him. I did not make any hand gestures or other aggressive moves,” Sandmann said in a tweet at the time, adding that he was “startled and confused” as to why Phillips approached him.

Bishop Roger Foys, in a written statement, praised the students for their actions at the Lincoln Memorial.

“The immediate world-wide reaction to the initial video led almost everyone to believe that our students had initiated the incident and the perception of those few minutes of video became reality,” Foys said.

“In truth, taking everything into account, our students were placed in a situation that was at once bizarre and even threatening,” he said.

Strangers' suspicions rankle parents of mixed-race children

By Jonathan J. Cooper

The Associated Press, February 13, 2019



This undated selfie shows Amberkatherine DeCory with her daughter, Mila DeCory. Until her daughter could speak, Decory, a police officer who lives outside Minneapolis, carried her birth certificate and even a photo of her giving birth, just in case the African-American and Native American had to prove that her light-haired, blue-eyed child was truly her own. Families like theirs were not surprised when they heard that Cindy McCain reported a woman to police for possible human trafficking because McCain saw her at the airport with a toddler of a different ethnicity.

(Amberkatherine DeCory via AP)

PHOENIX (AP) — Amberkatherine DeCory carried photos of her daughter's birth certificate in her diaper bag in case she had to prove that the lighter-skinned girl was really hers. Cydnee Rafferty gives her husband a letter explaining that he has permission to travel with their 5-year-old biracial daughter.

Families like theirs were not surprised when they heard that Cindy McCain had reported a woman to police for possible human trafficking because the widow of Sen. John McCain saw her at the airport with a toddler of a different ethnicity. Officers investigated and found no evidence of wrongdoing.

Parents whose children have a different complexion say they regularly face suspicion and the assumption that they must be watching someone else's kids.

"This is a problem that, to be frank, well-meaning white people get themselves into," said Rafferty, who is African-American and whose husband is white. "They think, 'If it doesn't make sense to me it must not be right.'"

After McCain's report, Rafferty posted to Twitter a selfie of her with her two children, ages 5 and 5 months.

"I know they don't look like me, but I assure you, I grew them in my belly," Rafferty wrote to McCain.

Earlier this month, McCain claimed on Phoenix radio station KTAR that the woman was waiting for a man who bought the child to get off a plane and that her Jan. 30 report to police had stopped the trafficking. She urged people to speak up if they see anything odd.

"I came in from a trip I'd been on," McCain said. "I spotted — it looked odd — it was a woman of a different ethnicity than the child, this little toddler she had. Something didn't click with me. I tell people 'trust your gut.'"

She said she spoke about her suspicions with police "and they went over and questioned her. And, by God, she was trafficking that kid."

Phoenix Police Sgt. Armando Carbajal confirmed that McCain requested a welfare check on a child at the airport, but said officers found "no evidence of criminal conduct or child endangerment."

McCain has declined interview requests and has not said if anything besides the difference in ethnicity led her to suspect trafficking. A spokesman for the McCain Institute for International Leadership at Arizona State University said McCain was "only thinking about the possible ramifications of a criminal act, not the ethnicity of the possible trafficker."

<https://www.apnews.com/9e73ee4106c74188b643f91c7ed59157>

After police debunked her claim, McCain reiterated the importance of speaking up when something looks wrong.

“I apologize if anything else I have said on this matter distracts from ‘if you see something, say something,’” she wrote on Twitter.

Rafferty, a 38-year-old New Yorker, was surprised that McCain, who adopted a daughter from Bangladesh, would make the same something’s-not-right assumption that mixed-race families grapple with constantly. It’s not always summoning the police. Other, more common ways of calling out the differences sting too.

For Rafferty, the questions are frustrating and offensive: “Whose baby is that?” from a woman in the grocery store. “Where’s her beautiful golden skin and curly hair?” from a client at the office, who had a distinct idea of how a biracial child should look. “You’re the ...?” followed by a pause for her to fill in the blank with “mom.”

And if she pushes a stroller on Manhattan’s Upper West Side, everyone assumes she’s the nanny. At the park, neither the mothers nor the caregivers know whether to embrace her in their camp.

DeCory, a 38-year-old police officer outside Minneapolis who has African-American and Native American ancestry, said the anxiety between mom and baby is a constant challenge for mixed-race families that isn’t talked about enough.

She recalls being haunted by a terrifying vision she couldn’t shake: Someone would question whether she was truly the mother of her daughter, and she wouldn’t be able to prove it. She’d imagine her daughter, Mila, being placed between her and a white woman while someone in authority watched to see which way she crawled.

Until her daughter could speak, DeCory carried her birth certificate and even a photo of her giving birth, just in case she had to prove that her light-haired, blue-eyed child was truly her own. As Mila has gotten older, her hair has darkened. She’s now 11.

DeCory didn’t face the same anxieties with her other two children, who have darker skin closer to her own.

“I would get anxiety going out with her in public,” DeCory said. “I was very reluctant to breastfeed her in public or do anything that would draw attention to me.”

White supremacist gang members charged in RICO case

By Chris Mills Rodrigo

The Hill, February 12, 2019

Members of a white supremacist gang have been charged by the Department of Justice in a RICO case for allegedly committing multiple acts of violence.

The charges against members of the New Aryan Empire (NAE) were [filed under seal](#) last week and the indictment was released publicly on Tuesday.

NAE is a white supremacist organization based in Arkansas that started as a prison gang before expanding. It was formed in 1990 to "preserve the Caucasian race."

The DOJ alleges that members of the group committed acts of violence, including attempted murder and kidnapping, in support of the organization and "its wide-ranging drug-trafficking operation," mostly of methamphetamine.

"According to the allegations in the indictment announced today, New Aryan Empire associates maintained their criminal enterprise by engaging in multiple acts of violence — including kidnapping and attempting to murder one informant, and stabbing and maiming two others suspected of cooperating with law enforcement," Assistant Attorney General Brian Benczkowski said.

"I want to thank our federal, state, and local law enforcement partners for vigorously investigating this vicious criminal organization."

U.S. Attorney Cody Hiland for the Eastern District of Arkansas said that invoking the Racketeer Influenced and Corrupt Organizations (RICO) Act in this situation was key to help "communities remain free from these types of crimes."

"The violence and hatred alleged in this superseding indictment have no place in society," Hiland said.

"We are committed to helping our communities remain free from these types of crimes using every resource available, including the powerful RICO statutes when appropriate. The significant charges in this case represent the hard work of our state and federal law enforcement agencies, and this office's commitment to removing violent, repeat offenders from the streets."

The NAE members make up dozens of the 54 defendants in the indictment, the DOJ said. The exact number of NAE members indicted was not immediately clear.

Thirty-five defendants are in either state or federal custody, 16 were previously released on federal bond and three more were arrested Tuesday morning. Three remain at large, according to the DOJ.

White supremacist gets life for killing black man to start a race war

By Rich McKay

Reuters, February 14, 2019



James Harris Jackson, whom police said travelled to New York City and fatally stabbed an African-American man in a racially motivated attack, appears in State Supreme Court in New York City, U.S. May 31, 2017. REUTERS/Lucas Jackson/File Photo

A white man who killed a black man with a sword in the hopes of starting a race war was sentenced to life in prison without parole Wednesday in New York, multiple media accounts said.

James Jackson, 30, a former U.S. Army specialist, apologized for the slaying, before the State Supreme Court Justice Laura A. Ward sentenced him to the maximum allowed under the law, the New York Times reported.

Last month, Jackson plead guilty to first-degree murder in furtherance of an act of terrorism, in the March 2017 death of Timothy Caughman, 66.

He turned himself in at a police station after police circulated surveillance video of the killing.

Jackson, of Baltimore, told detectives that he traveled to New York City because it is the U.S. media capital and he believed that the killing would start a race war.

“The racial World War starts today,” Jackson wrote in a manifesto that included a swastika, the Times reported. “This political terrorist attack is a formal declaration of a global total war on the Negro races,” he wrote.

Neither an attorney for Jackson nor state prosecutors were available for comment early Thursday.

In January, Cyrus Vance, New York’s district attorney, said in a statement, “If you come here to kill New Yorkers in the name of white nationalism, you will be investigated, prosecuted, and incapacitated like the terrorist that you are.”

Jackson served as an Army specialist until 2012 and was deployed in Afghanistan for nearly a year beginning in December 2010. He was awarded several medals for his conduct.

Reporting by Rich McKay, editing by Larry King

Religion

Robert Bowers, accused in Tree of Life synagogue shootings, arraigned

By Torsten Ove

Pittsburgh (Penn.) Post-Gazette, February 11, 2019

A lawyer for [accused synagogue shooter Robert Bowers](#) said in federal court Monday that she hopes to resolve the case without a trial.

Attorney Judy Clarke of San Diego didn't elaborate during a routine arraignment for Mr. Bowers before U.S. Magistrate Judge Robert Mitchell, but the vast majority of federal defendants - about 95 percent - plead guilty.

Ms. Clarke's likely strategy is to offer a deal in which her client would plead guilty and receive life in prison in exchange for avoiding the death penalty.

U.S. marshals led Mr. Bowers into court in shackles and dressed in a prison jumpsuit. The courtroom was filled with reporters and onlookers as prosecutors read the charges against him and he entered a standard not guilty plea. The proceeding took a few minutes and he was returned to jail in Butler County.

Mr. Bowers, 46, of Baldwin Borough, was indicted in January on federal hate crimes and related counts in connection with the [Oct. 27 massacre that left 11 dead and several others wounded at the Tree of Life congregation](#) in Squirrel Hill.

He faces 63 counts, some of which carry the death penalty.

Prosecutors said he was motivated in the attack by hatred of Jews; the shooting is believed to be the worst anti-Semitic attack in the history of the United States.

The Department of Justice is reviewing the case to determine whether it will pursue the death penalty.

Ms. Clarke, who was appointed to represent Mr. Bowers, has represented many other high-profile defendants in capital cases across the country and is known for cutting deals to spare them death.

Although one of her clients, Boston Marathon bomber Dzhokhar Tsarnaev, was sentenced to death — which he is in the process of appealing — Ms. Clarke's clients have a history of avoiding death row.

She represented Ted Kaczynski, the Unabomber, who pleaded guilty to avoid the death penalty and received life in prison.

She also defended Buford Furrow, who killed one person and injured five others in a shooting in 1999 at the North Valley Jewish Community Center in Los Angeles. Furrow was sentenced to life in prison after pleading guilty to avoid the death penalty.

Other clients of Ms. Clarke who have avoided the death penalty include: Eric Rudolph, who bombed the 1996 Olympics, abortion clinics and a gay nightclub, killing two people and injuring more than 100 others; Jared Loughner, who killed six people and injured 14 others, including U.S. Rep. Gabrielle Giffords in 2011 in Tucson, Ariz.; Susan Smith, who drowned her two young sons in 1994 in South Carolina; and Zacarias Moussaoui, one of the 9/11 plotters.

The January indictment against Mr. Bowers added new counts to a previous indictment handed up on Oct. 31 that had charged him with 44 counts.

<https://www.post-gazette.com/news/crime-courts/2019/02/11/Robert-Bowers-accused-Tree-of-Life-synagogue-shootings-arraignment-Pittsburgh/stories/201902110073>

The new filing included 13 violations of the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act and corresponding counts for firing a gun during those crimes.

The Shepard and Byrd Act was passed in 2009 and expanded the federal hate crimes law to include attacks motivated by the victim's actual or perceived religion, race, color, national origin or sexual orientation.

Mr. Bowers is accused of entering the synagogue armed with multiple weapons, including an AR-15 assault-style rifle, and gunning down defenseless worshippers. He then engaged in a shootout with police and was severely wounded.

Before the rampage, according to the prosecution, he had posted anti-Semitic messages online and during the shooting said he wanted to kill Jews.

.....

SEE ALSO:

[Accused gunman in Pittsburgh shooting pleads not guilty to 19 new charges](#) [*USA TODAY*, 2019-02-11]

[Suspect in synagogue massacre pleads not guilty to new charges](#) [*Reuters*, 2019-02-11]

Sexual Assault / Harassment

Brass Call for More Accountability to Stop Sexual Assault at Military Academies

By Oriana Pawlyk

Military.com, February 13, 2019



U.S. Military Academy Class of 2022 conducted a 12-mile road march as family and former graduates cheered them on, concluding six weeks of Cadet Basic Training on Aug. 13, 2018. (U.S. Army photo by Matthew Moeller)

Holding [more cadets accountable](#) for misconduct in the ranks is the only way the service academies will "move the needle" on stopping a troubling sexual assault trend, top school officials testified Wednesday.

Academy superintendents agreed during a House Armed Services subcommittee on military personnel hearing that combating sexual assault has been a major challenge, with some leaders "disgusted" with the climb in assault rates.

But the problem isn't something additional funding or resources alone can solve.

"We are developing a multifaceted plan," said Vice Adm. Walter E. Carter Jr., the Naval Academy superintendent.

Testifying alongside Carter were Lt. Gen. Darryl Williams, head of the United States Military Academy at West Point; Lt. Gen. Jay Silveria, superintendent of the Air Force Academy; and Dr. Elizabeth Van Winkle, the executive director for Force Resiliency at the Office of the Under Secretary of Defense for Personnel and Readiness.

"I don't know that I need to ask for more resources or more capability in terms of us owning it, which is what we need to do. That's what you are hearing from us today. I have been a superintendent for five years and testified in front of this committee before," he said.

Carter continued, "I am frustrated. I think we can't educate our way out or train our way out, the accountability is going to move the needle on this. I'm committed to getting that part better and more right."

Earlier in the hearing, Rep. Jackie Speier, D-Calif., said it was time to put the academies on notice for the enduring crisis.

"I guess my message really is quite simple: I'm putting the academies on notice," Speier said in her opening remarks. "This isn't a blip, a 'Me Too' bump or some accident. It's time for us to recognize that this is a crisis, and I intend to watch it like a hawk."

Speier said her conversations with school leaders had convinced her there's no "one formula" that can end the problem of harassment and assaults. But, she said, there needs to be more transparency between the military and Capitol Hill if any progress is to be made.

In the 2016 National Defense Authorization Act, Speier was responsible for nearly a dozen amendments aimed at improving and expanding the military justice system's provisions applying to victims of sexual trauma.

Failure to tell partners about HIV-positive status made sex nonconsensual, military court rules

By Nancy Montgomery

Stars and Stripes, February 8, 2019



A Navy sailor's conviction for sexual assault because he failed to tell women he was HIV-positive before having sex with them was affirmed Thursday by the military's highest court.

A sailor's conviction for sexual assault because he failed to tell women he was HIV-positive before having sex with them has been affirmed by the military's highest court.

On Thursday, the Court of Appeals for the Armed Forces unanimously affirmed a lower court's opinion that Petty Officer 2nd Class Lamar Forbes' convictions for sexual assault by bodily harm were correct. Because he didn't disclose he had the virus that causes AIDS, the women could not give consent and were therefore assaulted, the court ruled.

Forbes pleaded guilty at a Norfolk, Va., court-martial but subsequently appealed both his conviction and eight-year prison sentence. The guilty plea and sentence were affirmed last year by the Navy-Marine Corps Court of Appeals.

Forbes tested positive for HIV in 2012, according to court documents, and was counseled to refrain from sexual activity without first advising prospective sexual partners that he carried the virus. But from July 2013 to June 2015, he had unprotected sexual intercourse with four different women without telling them he was HIV positive, the court documents say.

"One of these women, LK, informed Forbes that she was taking medication that weakened her immune system as a result of a recent kidney transplant. The appellant assured her that he "wouldn't do anything to ... jeopardize it," yet had sex with her anyway without disclosing his status."

Another woman told Forbes she had an HIV-positive family member and suggested that they get tested before having sex. But the appellant informed her that he was clean, the documents said.

"These two situations betray the callousness and deceit of the appellant, and are particularly aggravating," the Navy-Marine court said.

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Police captain under investigation for alleged sex act during prostitution sting

By Melissa Montoya and Melanie Payne, Fort Myers News-Press

USA TODAY, February 12, 2019



Capt. Jay Rodriguez, of the Fort Myers (Fla.) Police Department is accused of sexual contact with a woman while on duty in March 2013. (Photo: Fort Myers Police Department)

FORT MYERS, Fla. – A high-ranking police officer in Florida is under investigation, accused of engaging in a sex act with a woman who was the [target of an undercover sting operation involving prostitution](#) at local massage parlors.

A complaint filed in December against Capt. Jay Rodriguez, of the Fort Myers Police Department, accuses him of sexual contact with the woman while on duty in March 2013. Shortly after the act, she was arrested along with the owner of the massage parlor where she was working.

The (Fort Myers, Fla.) News-Press has obtained a copy of the video, dated and time-stamped, purportedly showing the officer entering the business and appearing naked with a woman in her underwear. The officer can clearly be heard commenting on the sex act.

Attempts to reach Fort Myers Police Chief Derrick Diggs by phone and at his home were unsuccessful.

Multiple calls to Fort Myers City Manager Saeed Kazemi were not returned.

Stephanie Schaffer, spokeswoman for the city of Fort Myers said only, "There is an active investigation; the city cannot comment at this time."

The complaint was filed by O'Neil Kerr, a former police officer with a contentious history with Rodriguez, who had been his supervisor. He was twice terminated from the department, including once in 2011 for a domestic violence arrest where the charges were later dropped. The arrest was later expunged from his record, according to an expungement order. Kerr was reinstated and then later sued the city.

Kerr was a detective when he was terminated in November because of a work-related injury, he said. He was on leave due to the work-related injury when the city stopped paying him, he said.

Kerr submitted the complaint to the city on Dec. 7. Frustrated by the lack of action, he contacted the city again on Jan. 12. On Feb. 8, he supplied the city with the video.

According to an email Kerr sent to City Attorney Grant Alley, the police chief and a councilman, Rodriguez was working with the Special Investigation Group and had been given a lanyard with a "hidden spy camera."

"Rodriguez did not know how to operate the recording device and failed to properly turn it off which captured this incident on video and audio recording," he wrote.

He said Rodriguez had requested the video be deleted but it was instead uploaded and saved.

"(T)he booking sheet did not reflect the accurate events that occurred," Kerr wrote.

"(A)nd the evidence was not turned over to the state for proper prosecution..."

<https://www.usatoday.com/story/news/nation/2019/02/12/police-captain-investigated-sex-act-prostitute-video/2846200002/>

Kerr also included links to the video, the same links he supplied to The News-Press.

In a memo dated Jan. 14, before the video was provided, Capt. William Newhouse, who oversees Internal Affairs, said he needed more time to complete the investigation.

The operation in question occurred March 14, 2013, at the New Asian Massage parlor. The owner of the business, Chen Ya, was arrested and charged with living off earnings of prostitution, a third-degree felony, and driving without a license. Ma Aimian, the woman who appears in the video, was arrested for soliciting prostitution, according to a story published in The News-Press on March 16, 2013.

Stephen Russell, state attorney at the time, declined to file charges against Ya, because of insufficient evidence, according to court records. In the case against Aimian, the Lee County (Florida) Clerk of Courts website showed no records for her and her arrest record doesn't appear on the Lee County Sheriff's Office website.

Aimian declined to comment about the incident when contacted by a reporter Sunday.

According to the arrest report, the officer handed Aimian \$120 for a manual sex act. She told him it would cost an additional \$30 for oral sex.

After receiving the money, Aimian left the room. When she returned she "tried to remove his underwear," but he told her he would have to come back later, according to the report written by Lt. Rebecca Prince.

But according to the video, the officer did not leave. Prince's report also does not mention that there was a secret video recording of the operation.

The copy of the video obtained by The News-Press shows the officer paying for a sex act to be performed. Aimian leaves the room with the money and the officer appears naked on the video. The woman returns and the audio clearly records the voices of the officer encouraging the woman to increase the intensity of the act.

The video does not show Rodriguez's face at that time, nor the act. The video then records the woman getting a towel and the officer pulling on a pair of beige cargo shorts, which Rodriguez was wearing when he entered the shop on the video.

When reached Monday, Prince, who is no longer with the department, said she didn't know anything about the investigation and declined to comment.

When asked about the video Monday, Rodriguez said, "I have nothing to say."



Fort Myers Councilman Johnny Streets questioned the pace of the investigation. "It doesn't seem like there is a sense of urgency to get to the truth of what has been committed," he said. (Photo: Andrew West/news-press.com, Andrew West/news-press.com)

The Fort Myers Police Department has come under criticism before for not investigating allegations of criminal conduct and unethical behavior by its officers. The police department was audited in 2016 and a report was released in February 2017 by Freeh Group International Solutions detailing corruption and a toxic culture in the department. The group was paid \$150,000 for the audit and continues to work with the department and Diggs to make improvements.

A 20-year police veteran, Rodriguez has been promoted from lieutenant to captain since 2013. He also serves as a spokesman for the Fort Myers police and oversees school resource officers.

<https://www.usatoday.com/story/news/nation/2019/02/12/police-captain-investigated-sex-act-prostitute-video/2846200002/>

The department wouldn't say whether Rodriguez is on leave during the investigation.

The department's Internal Affairs division first received information about the alleged incident in early December, records show.

The allegations also surfaced in December during a confrontation between Rodriguez and Fort Myers activist Anthony Thomas during a city council meeting when Thomas questioned Rodriguez about engaging in a sex act while undercover. The interaction was witnessed by a reporter. Rodriguez threatened to sue Thomas for defamation.

Fort Myers Councilman Johnny Streets, a former Fort Myers police officer, questioned the pace of the investigation.

"It doesn't seem like there is a sense of urgency to get to the truth of what has been committed," he said.

"Where is the sense of urgency?"

Attorney Michael Raheb, who represented the massage parlor owner, said he's not surprised by the video's existence. And he questioned why it wasn't investigated until now.

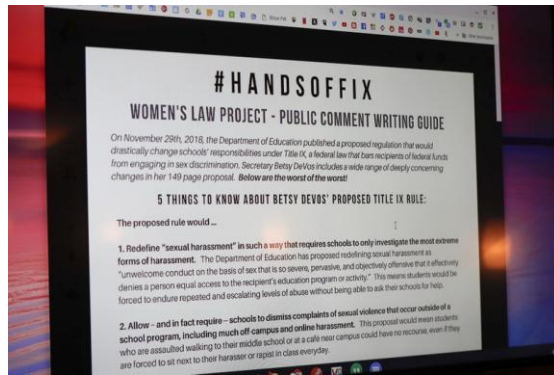
"They aren't supposed to let it happen," Raheb said.

Contributing: Michael Braun, The (Fort Myers, Fla.) News-Press. Follow Melissa Montoya and Melanie Payne on Twitter: [@MelissaMontoyaO](#) and [@TellMel](#)

Rule could limit college response to off-campus sex assaults

By Collin Binkley

The Associated Press, February 12, 2019



In this Jan. 23, 2019, file photo, a screen with information from the Women's Law Project shows information on some of the proposed changes to the implementation of Title IX as it pertains to the sexual abuse regulations in education at the NOW monthly meeting in Monaca, Pa. Several of the nation's largest universities receive more sexual assault complaints from off-campus than from school property, but their obligation to address off-campus cases could be dramatically reduced under a federal proposal. (AP Photo/Keith Srakocic)

WASHINGTON (AP) — At some of the nation's largest universities, the vast majority of sexual assaults take place not in dorm rooms or anywhere else on school property but in the neighborhoods beyond campus boundaries, according to data obtained by The Associated Press.

But the schools' obligation to investigate and respond to those off-campus attacks could be dramatically reduced by the Education Department's proposed overhaul of campus sexual assault rules. That's alarmed advocacy groups and school officials who say it would strip students of important protections in the areas where most of them live.

At the University of Texas in Austin, officials have received 58 reports of sexual assaults on campus grounds since the fall of 2014 while fielding 237 involving private apartments, houses and other areas outside campus, according to the data obtained through public records requests. Another 160 reports didn't include locations.

“The majority of our students are just not in proximity to campus, and a lot of things happen when they're not on campus,” said Krista Anderson, the university's Title IX coordinator. Of the school's 51,000 students, she said, only about 18 percent live in campus housing.

For now, federal guidelines urge colleges to take action against any sexual misconduct that disrupts a student's education, regardless of where it took place.

But in its proposed rule, the department says schools should be required to address sexual misconduct only if it occurs within their “programs or activities,” a designation that would exclude many cases off campus.

The proposal is included in Education Secretary Betsy DeVos' revision of Obama-era guidance on campus sexual assault, which officials say is unfairly skewed against those accused of assault and goes beyond the intended scope of Title IX, the federal law barring sex discrimination in education. Some colleges had complained that the Obama rules were too complex and could be overly burdensome.

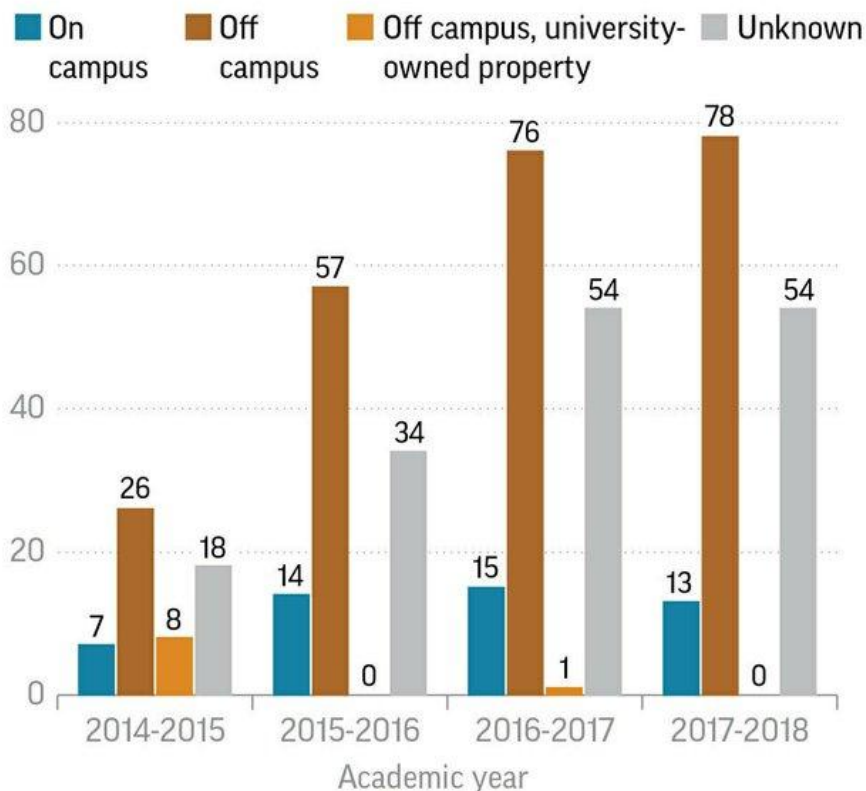
The AP asked the nation's 10 largest public universities for several years of data on the topic. Out of eight that provided data, five had more reports from off campus than on school property: The University of Texas, Texas A&M, Arizona State, Michigan State and the University of Central Florida.

At Texas A&M, for example, the number of sexual assaults reported from beyond campus since 2014 is twice the number on school property.

Leaders of some schools say the proposal appears to let them decide whether to handle cases beyond their borders, but conflicting language has led some to believe they would actually be barred from it.

Sexual assault on and off campus

Like several public universities queried by The Associated Press, the University of Texas at Austin reported more sexual assaults occurring off campus than on school grounds:



SOURCE: University of Texas at Austin Office of the Dean of Students



One section says schools would be permitted to address cases outside their property, while another says schools would have to dismiss all complaints from outside their programs. Dozens of schools have asked the department for clarification.

“There is a concern that these regulations might strictly limit the jurisdiction of the university to conduct which occurs on campus,” said David Bunis, general counsel for Worcester Polytechnic Institute, a private school in Massachusetts.

Department spokeswoman Liz Hill said schools would be able to investigate cases outside their programs “at their discretion” but did not clarify the discrepancy. Unless the conflicting language is changed, legal experts say, it could give accused students legal grounds to get their cases dismissed.

Since the proposal was issued in November, it has generated a flood of feedback from students, parents, schools, politicians and activists on both sides.

A recent public comment period drew more than 104,000 responses, already the most in department history, and federal officials announced Tuesday that they would re-open the comment period for one day, on Feb. 15, because technical errors may have blocked some users from submitting feedback.

Tens of thousands of comments have been credited to campaigns meant to inundate the agency with criticism. In western Pennsylvania, for example, a local chapter of the National Organization for Women recently hosted an event on how to submit comments, one of many similar gatherings across the country.

Opponents are fighting against several of the plan’s key provisions, including changes that would narrow the definition of sexual harassment and allow students accused of sexual misconduct to question their accusers through a representative.

Few points, however, have drawn as much anger as the move to reduce schools’ obligations off campus. In public comments, students said it would leave little recourse for those assaulted at parties, bars or other sites. Advocacy groups worry that fewer victims would report assaults, and that more would drop out of school.

<https://www.apnews.com/3823e7c2ca3349e1a77487e62cfbf891>

“We think it’s very dangerous,” said Terri Poore, policy director at the National Alliance to End Sexual Violence, an advocacy group in Washington, D.C. “There are several other very, very, disturbing issues, but this is absolutely among the worst aspects of the proposed rule.”

Many colleges have raised their own concerns, especially institutions that fear the rule would cut off their authority at campus boundaries.

Laurie Nichols, president of the University of Wyoming, told the Education Department that curbing schools’ powers would simply push sexual violence to areas where offenders know they’re beyond the school’s reach.

In her comment, Nichols added that refusing to take action off campus “communicates indifference on the part of the institution and ignores the impact of these experiences on a student’s ability to succeed in the classroom.”

Still, few colleges are asking the department to keep things just as they are. Instead, many want the flexibility to decide which cases to handle, even though they say they have no plans to scale back investigations.

Loyola University in Chicago is among those asking for the discretion to choose. Officials wrote that, regardless of where sexual misconduct takes place, “the lasting impact of such misconduct is likely to affect our students’ education and sense of safety.”

Further questions have emerged about the handling of online sexual harassment, which isn’t explicitly addressed in the proposal. It’s a major concern for many schools below the college level, which are bound by the same federal rules and have faced growing problems with cyberbullying.

The School Superintendents Association, which represents more than 13,000 education leaders, told the department it was “shocked” that the proposal seems to prevent schools from responding to online sexual misconduct.

“While monitoring and taking steps to address these activities can be burdensome, district policies have been built around doing so,” the group wrote. “This would unduly tie the hands of school leaders who believe every child deserves a safe and healthy learning environment.”

Even supporters of the rule say it needs clarification, but they contend it’s a step in the right direction. Some argue that police are better equipped than schools to handle cases away from campus property, although advocates who work with victims counter that only a fraction of assaults are ever reported to police.

Cynthia Garrett, leader of Families Advocating for Campus Equality, a group that represents students accused of sexual misconduct, said existing rules have led some colleges to investigate sexual misconduct hundreds of miles away. She added that schools should handle some off campus cases, but only within reason.

“I just think it has to be a practical consideration. Is this something where the school has any power over the property? Can they go there? Can they look at the evidence?” she said. “It’s very difficult to set a bright-line rule, which is unfortunate because it would certainly help matters.”

The Education Department is now reviewing the public comments before it issues a final rule, a process expected to take several months.

<https://www.apnews.com/3823e7c2ca3349e1a77487e62cfbf891>

Federal officials estimate that, if the rule is finalized, the number of off-campus cases schools investigate would fall by somewhere between 11 percent and 30 percent. As a result, the agency predicts, schools would collectively save up to \$456 million over a decade.

Officials based their analysis on the assumption that about 40 percent of sexual assaults involving students take place off-campus, a statistic that comes from an insurance company's study of 305 sexual assault claims filed between 2011 and 2013. Some other surveys have put the figure above 60 percent.

Colleges say it's difficult to track exactly how many offenses take place off-campus. Many assaults are never reported. Sometimes the information is channeled through friends or professors who don't know where it happened.

At the University of Florida it was roughly an even split between off-campus and on-campus sexual assault complaints, according to the data obtained by the AP. Ohio State University had more cases on campus. The University of Maryland University College, which does not have residence halls and offers the majority of its classes online, says no sexual assaults have been reported in the past five years.

At the University of Central Florida, officials say they're awaiting the department's final rule but have not stopped investigating off-campus sexual misconduct complaints involving students or employees.

"It is the university's mission to provide a safe environment for all students and employees. Accordingly, we have no plans to change this practice, but we'll reassess if mandated to do so when the new regulations are issued by the federal government," Nancy Myers, director of the school's Office of Institutional Equity, said in a statement.

Anderson, the University of Texas official, said the school has no plans to narrow the scope of its work even if the final rule allows it. Although cases that arise off campus can be complicated, she said, the university will continue to investigate them unless it's explicitly forbidden.

"The complex cases are the ones that need our attention," Anderson said. "We have a duty to address those and respond to it appropriately."

Follow Collin Binkley on Twitter at <https://twitter.com/cbinkley>

Virginia sex allegations are latest against state officials

By David A. Lieb

The Associated Press, February 12, 2019



In this May 23, 2017, file photo, Missouri Gov. Eric Greitens speaks to supporters during a rally outside the state Capitol in Jefferson City, Mo. Greitens resigned June 1, 2018, while facing potential House impeachment proceedings over allegations of sexual and political misconduct. A woman with whom Greitens had an extramarital affair testified that he slapped, shoved, restrained and belittled her during a series of sexual encounters in 2015, while he was preparing to run for governor. (AP Photo/Jeff Roberson)

Virginia's lieutenant governor has denied newly publicized allegations that he sexually assaulted two women years ago and has vowed to continue serving in office. It's a scenario that already has played out in several other states, with differing conclusions.

At least six other statewide elected officials have faced allegations of sexual misconduct since 2017. Several initially resisted calls to step down before eventually doing so under the pressure of public scrutiny and ongoing investigations. At least one other accused official remains in office.

Nationwide, at least 90 state lawmakers also have resigned or been ousted, faced discipline or other repercussions, or been publicly accused of sexual misconduct since the beginning of 2017. Many of those allegations were brought to light as part of the #MeToo movement that gained steam after allegations of sexual misconduct were made against movie mogul Harvey Weinstein.

Virginia Lt. Gov. Justin Fairfax, a Democrat, is accused of sexually assaulting a woman while they were students at Duke University in 2000 and forcing another woman to perform a sex act at a Boston hotel in 2004. Fairfax has denied ever sexually assaulting anyone.

A look at other statewide elected officials who have recently faced sexual misconduct allegations:

— Alabama Gov. Robert Bentley, a Republican. Bentley resigned April 10, 2017, as House impeachment proceedings began against him. He pleaded guilty that same day to two misdemeanor campaign finance violations that arose during an investigation of his alleged affair with a top aide.

An investigatory report for the impeachment proceedings had said Bentley encouraged an “atmosphere of intimidation” to try to keep the relationship secret and had directed a law officer to try to track down and seize recordings of him making sexually charged comments to the woman.

— Wyoming Secretary of State Ed Murray, a Republican. Murray resigned Feb. 9, 2018, following accusations of sexual misconduct by two women from decades ago. One woman accused him of sexually attacking her after hours at a Cheyenne law office where they both worked over 35 years ago. The other woman said Murray forcibly kissed her when she was 18 years old after she had been babysitting for his family on New Year's Eve 1988.

— New York Attorney General Eric Schneiderman, a Democrat. Schneiderman had built a reputation as a supporter of the #MeToo movement and had filed a lawsuit aimed at securing better compensation for those accusing Weinstein of sexual misconduct.

But he resigned May 7, after a media report that he had slapped, choked, threatened and abused four women during intimate encounters. Campaign finance reports show Schneiderman used nearly \$340,000 in

<https://www.apnews.com/dccb6c17ef2c4749b803deae52425565>

political campaign money to pay a law firm that represented him during an investigation into the allegations.

— Louisiana Secretary of State Tom Schedler, a Republican. Schedler resigned effective May 8 after being accused in a lawsuit by an employee of sexually harassing her for years and punishing her when she rebuffed his advances. The state paid nearly \$150,000 to settle the lawsuit plus an additional \$35,000 on private attorneys to respond to the suit.

— Missouri Gov. Eric Greitens, a Republican. Greitens resigned June 1 while facing potential House impeachment proceedings over allegations of sexual and political misconduct. A woman with whom Greitens had an extramarital affair testified that he slapped, shoved, restrained and belittled her during a series of sexual encounters in 2015, while he was preparing to run for governor.

As jury selection was getting under way for a May criminal trial, a St. Louis prosecutor dropped a charge of invasion of privacy related to a nonconsensual compromising photo that Greitens allegedly took of the woman.

In exchange for Greitens' resignation, the prosecutor also dropped a separate charge of tampering with computer data alleging that Greitens improperly provided his political fundraiser with a donor list from a veterans charity he founded.

— Indiana Attorney General Curtis Hill, Republican. A special prosecutor declined in October 2018 to pursue criminal charges against Hill. That decision came as a state investigation cited witness testimony that an apparently intoxicated Hill inappropriately touched a female lawmaker and three female legislative staffers during a March party at an Indianapolis bar celebrating the end of the 2018 legislative session.

Other top elected officials had called on Hill to resign after media publicized the allegations in July. He remains in office.

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[Politician's accuser speaks about issue of sexual assault](#) [*The Associated Press*, 2019-02-12]

Women Sue Yale Over a Fraternity Culture They Say Enables Harassment

By Anemona Hartocollis

The New York Times, February 12, 2019



From left, Anna McNeil, Eliana Singer and Ry Walker are part of a class-action lawsuit that accuses Yale of violating Title IX of federal education law. (Credit: Ian Christmann)

Three Yale students who claim they were groped at fraternity parties have filed a class-action [lawsuit](#) against the university, arguing the school has fostered an environment where alcohol-fueled gatherings at off-campus fraternity houses dictate the undergraduate social scene.

While the New Haven, Conn., university presents itself as a campus where fraternities are not a major presence, the lawsuit states that few options besides fraternity parties exist for women who want to socialize and meet other students.

The lawsuit, filed Tuesday in federal court in Connecticut, comes as universities across the country have been trying to crack down on bad behavior by fraternities, from binge drinking and sexual harassment to abusive hazing rituals that have led to several deaths. Aware that their image has been tarnished, fraternities have often been partners with universities in trying to change party culture.

Yale has often looked the other way, the plaintiffs claim, while parties rage and women from Yale and surrounding colleges are routinely sexually harassed and abused.

Joan Gilbride, a lawyer for the fraternities named in the lawsuit, said the accusations are “baseless and unfounded,” and that the fraternities and their national organizations would vigorously defend themselves against the claims.

A Yale spokesman, Thomas Conroy, said he could not comment on the specifics of the lawsuit. But he shared a message to Yale students last month from the dean of Yale College, Marvin Chun, after a yearlong review of campus culture, including fraternity culture. It said in part, “I condemn the culture described in these accounts; it runs counter to our community’s values of making everyone feel welcome, respected, and safe. I also offer some plain advice about events like these: don’t go to them.”

The dean said that Yale “plays no formal role in the organizations not affiliated with the university, including Greek organizations,” and he said the university was working on providing alternative social spaces and events on campus.

The lawsuit acknowledges that there may be questions about Yale’s ability to regulate off-campus organizations.

“Yale often claims that the university cannot punish the fraternities because they are unregistered, off-campus organizations,” the lawsuit says. But it argues that this position is disingenuous, because the fraternities “act as extensions of Yale,” providing party space, while Yale permits them to use the Yale name, Yale email addresses, Yale bulletin boards and campus facilities for recruitment.

Peter McDonough, general counsel of the American Council on Education, a university trade group, said universities have been reluctant to become too deeply involved in regulating fraternity life.

<https://www.nytimes.com/2019/02/12/us/yale-fraternities.html>

“The very concept of a campus is where people learn not only from each other but through shared experiences,” he said. “And this isn’t the K through 12 environment.”

The plaintiffs — a sophomore and two juniors — have demanded in the lawsuit that Yale and its fraternities rein in the parties. They have also asked for a court order that would force the fraternities to admit women and allow them to share in the benefits of membership, like housing and powerful alumni networks that can lead to jobs, internships and social capital.

“Simply put, fraternities elevate men to social gatekeepers and relegate women and non-binary students to sexual objects,” the lawsuit said. “Moreover, Yale’s fraternities have alumni and professional connections to the business world, including banking and consulting firms, which often result in coveted job offers and economic opportunities.”

The three women who filed the suit are Anna McNeil, 20, a junior from Brooklyn majoring in art history; Eliana Singer, 19, a sophomore from Minneapolis majoring in political science; and Ry Walker, 20, a junior from Brooklyn majoring in astrophysics and African-American studies. The law firm representing them, Sanford Heisler Sharp, is also representing women who are [suing Dartmouth College for sexual assault and discrimination](#) by three professors who they said turned a human behavior research department “into a 21st-century Animal House.”

All three women in the Yale case said they were groped at fraternity parties during their first semesters. In the lawsuit, Ms. Walker, who is African-American, said she was passed over by fraternity brothers controlling admission to a party, while white women behind her were admitted.

“We eat together, take classes together, exist in this coeducational place,” Ms. Walker said in an interview. “But somehow because of the way Greek life operates on campus and the control they have over social spaces here, that means that on weekend nights, men are the only ones who have power.”

Sororities are not a substitute for fraternities, the plaintiffs said, because they have been around for much less time, and do not have the depth of contacts that fraternities have.

The lawsuit, filed as a class-action complaint, accuses Yale of violating Title IX of federal education law, which prohibits sex discrimination by institutions receiving federal funding, and breach of contract for not providing the educational environment it promised. It accuses the fraternities of violating the Fair Housing Act for offering housing only to men, and Yale and the fraternities of violating Connecticut’s law against discrimination in places of public accommodation. It seeks unspecified damages.

The women belong to a student group called Engender that has used civil rights-type tactics to try to force fraternities to accept women. For the past three years, women and “non-binary” students from Engender have tried to join fraternities. Only one fraternity, Sigma Phi Epsilon, let them apply, according to court papers. But in the end they were denied and the fraternity chapter said it was because their national chapter did not allow women, the lawsuit says.

The complaint suggests that there is a “symbiotic” relationship between Yale and its fraternities, which involves letting the fraternities manage social life on campus, in exchange for Yale officials looking the other way when parties get out of hand.

“The fraternities take on the liability associated with student alcohol consumption, and in exchange, Yale allows the fraternities to use Yale resources (and recruit Yale students) and largely turns a blind eye to the sexual harassment and assault occurring in connection with the fraternities,” the complaint says.

<https://www.nytimes.com/2019/02/12/us/yale-fraternities.html>

The lawsuit claims that Yale lags behind peers like Harvard, which in 2016 announced that it was discouraging students from joining single-sex social clubs by barring them from leadership positions on campus and from receiving endorsements for prestigious scholarships like the Rhodes.

In December, Harvard was sued by fraternities, sororities and students saying the new policy is discriminatory.

Lisa A. Bacon in Richmond and Jonathan Katz in Charlottesville contributed reporting.

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SEE ALSO:

[Yale's Fraternities Are Being Sued To Admit Women](#) [*Forbes*, 2019-02-13]

[Women sue Yale, saying off-campus fraternities discriminate, enable abuse](#) [*Reuters*, 2019-02-12]

[Lawsuit seeks to force all-male fraternities at Yale to allow women](#) [*USA TODAY*, 2019-02-12]

[Women sue Yale to gender-integrate fraternities](#) [*The Hill*, 2019-02-12]