

DEOMI News Highlights

DEOMI News Highlights is a weekly compilation of published items and commentary with focus on equal opportunity, equal employment opportunity, diversity, culture, and human relations issues. The DEOMI News Highlights is 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.

DEOMI Quick Poll Findings [Rebecca Marcum, *DEOMI.org*, January 11, 2011]

- The DEOMI web page at www.deomi.org houses an interactive Quick Poll question that addresses human relations topics within the military services. The questions are open for response to a world-wide audience and normally run six to eight weeks. The results are not scientifically sound or statistically reliable; rather, this tool captures a snapshot in time on the perceptions of our constituency. There were a total of 230 responses to the question below that ran 23 Nov 10 to 11 Jan 11.
- My need to be cross-culturally competent applies when I am:
 - At all times, regardless of duty assignment; 217/91.2%
 - None of the above; 7/2.9%
 - IN a NATO command; 2/.8%
 - Deployed; 4/1.7%

www.deomi.org

After Decade of War, Top Officer Directs the Military to Take Stock of Itself [Thom Shanker, *New York Times*, January 9, 2011]

- Chairman, Joint Chiefs of Staff, Adm. Mike Mullen, addressed senior leaders at conference held at the National Defense University the week of 9 Jan.
- Mullen is openly voicing concerns that professionalism and ethical standards across the armed forces are being severely challenged by the longest period of sustained combat in the nation's history
- The conference is the first such introspective session into "military ethos" organized specifically at the request of Adm. Mullen

[After Decade of War, Top Officer Directs the Military to Take Stock of Itself](#)

Office of Diversity Management Equal Opportunity (ODMEO) High Interest Items

- Officer Oath and Enlisted Oath [DEOMI, J-9, January 13, 2011] This document provides background information on all oaths taken by federal civilian and uniformed service members prior to service within the federal government.

[To view actual oaths click here.](#)

- Schedule a Hiring Authority [Stephen King, ODMEO, January, 2011]
One of the most common complaints about the federal hiring process is that it takes too long. As noted by the Merit Systems Protection Board in its September 2006 report entitled *Reforming Federal Hiring: Beyond Faster and Cheaper*, it takes an average of 102 days to complete all of the steps in the competitive hiring process, from making the request to making the appointment.

[Click here for more information.](#)

DEOMI News Highlights

Discrimination

[EEOC reports record rise in bias complaints](#)

[High Unemployment Helps Make 2010 Record For Workplace Discrimination Complaints](#)

Human Relations

[After Decade of War, Top Officer Directs the Military to Take Stock of Itself](#)

[Clinton: Women can be force for Mideast peace](#)

[A Fifth Star for David Petraeus](#)

[Joint Chiefs chair warns of disconnect between military and civilians](#)

[Mullen reminds military leaders to stay professional, apolitical](#)

Miscellaneous

[Suicide Prevention Alliance focuses on troops, veterans](#)

Misconduct

[JUSTICE DEFERRED: Army deploys soldiers accused of felonies, leaving victims, judges, to wait for court date](#)

Racism

[It's time once again to tell Washington's football team to ditch the 'Redskins' racist moniker](#)
[A test of DNA and courage](#)

Religion

[Army's 'spiritual fitness' evaluation comes under attack](#)

[Military chaplains are faith mismatch for personnel they serve](#)

Sexism

[Report: Women missing out on post-war benefits](#)

Office of Diversity Management Equal Opportunity High Interest Items

[Officer Oath and Enlisted Oath](#)

[Schedule a Hiring Authority](#)

Discrimination

EEOC reports record rise in bias complaints, progress in trimming backlog

By Charles S. Clark *cclark@govexec.com*

Government Executive, January 12, 2011

The Equal Employment Opportunity Commission on Tuesday reported that private sector job discrimination complaints rose to an unprecedented level of nearly 100,000 in fiscal 2010, an increase of 6,715 over the previous year, while the agency documented clear progress in reducing a backlog of unprocessed charges.

Through its programs in enforcement, mediation and litigation over complaints of bias -- based on race, gender, disability, religion and retaliation -- EEOC in 2010 secured more than \$404 million in benefits for victims from employers. That is the highest level of monetary relief ever obtained by the commission through the administrative process, the report said.

"We are pleased to see that our rebuilding efforts are having an impact on how efficiently and effectively the commission enforces the civil rights laws protecting the nation's workers," said EEOC Chairwoman Jacqueline A. Berrien. "Discrimination continues to be a substantial problem for too many job seekers and workers, and we must continue to build our capacity to enforce the laws that ensure that workplaces are free of unlawful bias."

Comparing its progress over the previous year's output, EEOC said it ended 2010 with an increase of only 1 percent in its overall inventory of pending charges, compared with an increase of 15.9 percent from fiscal 2008 to 2009. EEOC's mediation program achieved 10 percent more resolutions in 2010 than it did the previous year and resolved 400 more federal sector appeals than it did in 2009.

Analysts linked the rise in complaints to the recession. Retired Harvard University historian Stephan Thernstrom, who has written widely on race and poverty, said given that "a lot more people were laid off in 2009 and 2010, it's not surprising that some fraction somehow thought it was racially related."

Roger Clegg, president and general counsel of the conservative Center for Equal Opportunity, said, "The number of complaints is not something the EEOC has direct control over. If you have a workforce that gets larger, as it is, and anti-discrimination statutes rising, as they are, and statutes are amended to allow for additional challenges, then the fact that there are more complaints doesn't say anything about the job EEOC is doing, or about the amount of discrimination in society."

Clegg's group has long complained that the EEOC and the Obama administration devote too many resources to cases based on the statistically "disparate impact" of hiring, firing and promotion policies instead of actual "disparate treatment" of individuals. "Under both the Obama and the Bush administrations," he said, "there's been a lot of disparate treatment aimed at nonminorities and men as corporations celebrate diversity, but the EEOC is not looking into it."

Fatima Goss Graves, vice president for education and employment at the National Women's Law Center, noted that the EEOC's commissioners have been at full complement only since last spring, "so the fact that they had this tremendous level of charges in this fiscal year but did not increase the backlog says a lot." At the same time, she added, "There is still a tremendous amount of work to be done."

Even though many agencies are girding for possible hiring freezes and cutbacks, the EEOC said on its website that it is hiring investigators, mediators, attorneys, and administrative and clerical employees around the country, "adding positions frequently."

High Unemployment Helps Make 2010 Record For Workplace Discrimination Complaints, Resolutions

Laura Bassett

Huffington Post, 01/11/11

Persistently high unemployment levels and a brutal job market contributed to a record number of workplace discrimination complaints in 2010, the Equal Opportunity Employment Commission reported Tuesday.

"I think when people are less likely to find a new job, they're more inclined to file a charge of discrimination," EEOC spokeswoman Justine Lisser told HuffPost. "Whereas in the past they might just walk off and go to another job, nowadays they can't really do that, because there are no jobs."

Lisser said the jump in discrimination complaints -- which totaled 99,922 in 2010, up from 93,277 the previous year -- was likely due to two factors besides the economy: the EEOC's new education and outreach efforts about discrimination, and a new law that took effect in September 2009 that makes it easier for people to prevail on claims of disability discrimination.

While race discrimination has historically been the most frequently filed charge, last year, for the first time ever, retaliation discrimination surpassed race as the top allegation. According to the EEOC, a person can file a retaliation complaint if he or she is fired or treated differently based on having made previous allegation of discrimination that was sincere and rational.

Lisser said the increase in discrimination charges was accompanied by a record number of merit resolutions, or charges that produce positive results for the plaintiff, suggesting that at least 20,000 of these nearly 100,000 complaints were deemed valid.

In 2010, the EEOC secured more than \$404 million in monetary relief from employers -- the most money the commission has ever obtained through the administrative process.

"We are pleased to see that our rebuilding efforts are having an impact on how efficiently and effectively the Commission enforces the civil rights laws protecting the nation's workers," said EEOC Chair Jacqueline A. Berrien. "Discrimination continues to be a substantial problem for too many job seekers and workers, and we must continue to build our capacity to enforce the laws that ensure that workplaces are free of unlawful bias."

Human Relations

<http://ebird.osd.mil/ebfiles/e20110109799091.html> or

http://groups.google.com/group/alt.military.retired/browse_thread/thread/2490641cd81b0e9d

After Decade Of War, Top Officer Directs The Military To Take Stock Of Itself

By Thom Shanker

New York Times, January 9, 2011

WASHINGTON — Adm. Mike Mullen, who will almost certainly be the final chairman of the Joint Chiefs of Staff to have served in the Vietnam War, still carries the scars of how that polarizing era damaged the military and its relationship with the American people.

As he enters his last year as the nation's top-ranking officer and as the military enters its 10th year of war since the Sept. 11 attacks, Admiral Mullen is openly voicing concerns that professionalism and ethical standards across the armed forces are being severely challenged by the longest period of sustained combat in the nation's history.

He is responsible for convening a National Defense University conference here on Monday that will open an intensive assessment by the military of its professional behavior.

"We've learned a lot about ourselves in the last decade; some of it's been pretty unpleasant stuff," Admiral Mullen said in an interview. "I want us to understand what we've seen, to a depth that we can ensure that our moral compass stays true, our ethical compass stays true."

The conference is the first such introspective session into "military ethos" organized specifically at the request of a chairman of the Joint Chiefs of Staff. It will examine a subtle set of political and social challenges to military integrity, like a potential slide toward partisanship among the officer corps, especially retired generals and admirals acting as television commentators, and whether the behavior of up-and-coming leaders fits with the image the military as an institution wants to exhibit to the nation.

A particularly relevant topic on the agenda is how the next generation's generals and admirals should express their best, unvarnished military advice to the nation's civilian leadership, and what to do when they disagree with the eventual policy. Admiral Mullen has said there are just two choices: an officer obeys the policy and follows it with enthusiasm or resigns.

Hovering over that discussion will be memories of the bruising, closed-door debate about shaping a strategy for Afghanistan and Pakistan that many at the Pentagon and the White House said soured civilian-military relations.

But other issues are expected to include an assessment of the retired generals who openly called for Donald H. Rumsfeld, the former defense secretary, to resign, as well as of retired admirals and generals who endorse political candidates or appear at party conventions.

The discussion is also expected to touch on whether service members have the right to a different persona online, like on Facebook or in a blog, than they do in uniform.

Admiral Mullen, who is scheduled to retire on Oct. 1, acknowledged that his motivations for the conference dated to his service in a war that ended more than three decades ago. "These are Vietnam scars for me," he said.

<http://ebird.osd.mil/ebfiles/e20110109799091.html> or

http://groups.google.com/group/alt.military.retired/browse_thread/thread/2490641cd81b0e9d
And just as the Vietnam War shaped his professional outlook, Admiral Mullen said, the intense combat experiences during the wars in Afghanistan and Iraq will shape the military for decades to come. “How they lead, how they retain, how they recruit, what they talk about — I want to examine as much of that as we can, in stride, to prepare for the future,” he said.

A conscious decision was made not to focus at this session on the most egregious acts of military misconduct that seized global attention and prompted worldwide outrage, like detainee abuse at Abu Ghraib prison in Iraq, because such actions are clearly prohibited by long-standing laws of armed conflict and the Uniform Code of Military Justice.

Admiral Mullen noted that the Army, in particular, was moving ahead with its own effort to evaluate military professionalism, and he cited the work done by Gen. Martin E. Dempsey, who leads the Army Training and Doctrine Command.

General Dempsey said his efforts had been inspired by two trends since the Sept. 11 attacks: how counterinsurgency warfare and efforts to create more deployable brigade combat teams had placed increasing responsibilities in the hands of junior leaders, and how the Army’s system for generating forces created a deliberate cycle in which combat units were built, trained, deployed — and then brought home to be rebuilt with fresh troops.

“This is very different from an Army that had been relatively stable, relatively hierarchical, relatively centralized,” General Dempsey said in a telephone interview.

General Dempsey, who is Defense Secretary Robert M. Gates’s candidate to be the next Army chief of staff, said the Army had not paused for an institutional, top-to-bottom review of its professional conduct in two decades.

“This is another one of those times in our history when we want to encourage ourselves to look at ourselves as professionals and ask whether we are living up to our standards — and where our policies for training, education and promotion enhance these standards or rub against them,” General Dempsey said.

To manage the conference, National Defense University turned to Albert C. Pierce, director of the Institute for National Security Ethics and Leadership, which examines and teaches professional behavior in the national security arena.

“Our distinctive concept of operations,” Mr. Pierce said, “comes from the chairman, introspection and reflection by the members of the profession on what its basic principles and touchstones are, and how to apply them to specific issues such as providing professional military advice and handling disagreements over policy.”

He added, “More broadly, we hope our deliberations that day will help define or describe where and how to draw the lines between appropriate and inappropriate behavior by military professionals, active-duty and retired.”

Admiral Mullen will give the keynote address, and all of the panelists are active-duty or retired military personnel, with one exception; John J. Hamre, a former deputy defense secretary who is president of the Center for Strategic and International Studies, a nonpartisan policy institute here, will offer perspectives on how senior civilian policy makers view the behavior of military professionals.

Clinton: Women can be force for Mideast peace

By MATTHEW LEE

Associated Press/MSNBC.msn, Jan 12, 2:31 AM EST

MUSCAT, Oman (AP) -- Women can be a major power in convincing Mideast leaders to agree to a comprehensive Arab-Israeli peace deal, U.S. Secretary of State Hillary Rodham Clinton said Wednesday as she urged regional leaders to embrace the rising expectations of their skyrocketing youth populations.

At a town hall meeting with civic leaders in the capital of Oman, Clinton said calls from women on both sides of the conflict in Northern Ireland had contributed to a resolution and suggested that a meeting of minds between Arab and Israeli women could provide a similar impetus for peace.

"Women played a major role in pushing the politicians to find some solutions," she said. "It was very clear that there just couldn't be a divide when people on both sides were suffering in the same way."

Clinton stressed that she had no illusions that such a process would be easy or successful, saying, "There is a lot of work that we need to do in this world to try and create this awareness."

But she said joint demands from women concerned about their families' futures could "press government and leaders to make the necessary decisions that will lead to sustainable peace."

Clinton also said that failing to address the concerns and aspirations of Middle Eastern women and youth could have disastrous consequences. She said the region is seeing a "generation larger than anything we have ever seen coming of age" and they need to be heard if Arab nations want to succeed in the 21st century.

Her comments on the third stop of a four-nation tour of the Persian Gulf came as unrest among disaffected youth and the unemployed continued in Tunisia and Algeria. Clinton began her trip in the United Arab Emirates and arrived in Oman from Yemen late Tuesday. She visits Qatar on Thursday before returning to Washington.

<http://ebird.osd.mil/ebfiles/e20110111799512.html> or
<http://www.cnn.com/2011/US/01/10/us.military.disconnect/index.html?iref=allsearch>

Joint Chiefs Chair Warns Of Disconnect Between Military And Civilians

**By Charley Keyes, CNN Senior National Security Producer
CNN.com, January 10, 2011**

WASHINGTON -- The nation's top military man warned Monday of a potentially dangerous gulf between the civilian world and men and women in uniform.

Joint Chiefs Chairman Adm. Mike Mullen said most Americans know "precious little" about the military.

"To the degree we are out of touch I believe it is a very dangerous force," Mullen said in a speech to a conference on military professionalism at the National Defense University in Washington.

The disconnect between the civilian and military worlds is partially because only a fraction of the population serves and those in uniform increasingly hail from fewer, primarily rural, areas of the country, Mullen said.

"Our audience, our underpinnings, our authority, everything we are, everything we do, comes from the American people," Mullen said. "Fundamentally I believe that. Everything we do, and we cannot afford to be out of touch with them."

Fewer Americans have personal contact with members of the military, he said.

"They know that we are in two wars, we've sacrificed a lot, lost a lot of people, over 5,500 people. They are very supportive of that," Mullen said. "They care a lot about great young men and women that they know. Many of them don't know that many, and it just speaks to the disconnect."

The comments echo that of Defense Secretary Robert Gates who, in a September speech, told a college audience the volunteer forces carry an unfair burden in fighting the protracted wars in Iraq and Afghanistan.

"Whatever their fond sentiments for men and women in uniform, for most Americans the wars remain an abstraction, a distant and unpleasant series of news items that do not affect them personally," Gates said at Duke University. "Even 9/11, in the absence of a draft, for a growing number of Americans, service in the military, no matter how laudable, has become something for other people to do."

Mullen was one of the movers behind the day-long conference at the National Defense University. He used the span of his own career to show how public support for the military had risen dramatically from the lows of the Vietnam era.

"American people are extraordinarily supportive of our men and women ... there is a sea of good will," he said. The military must work to build and sustain trust or risk negative consequences, he said.

Mullen predicted, "We will find out that, yes we are less than 1% and we are living in fewer and fewer places and we don't know the American people and the American people don't know us."

<http://ebird.osd.mil/ebfiles/e20110111799505.html> or
<http://www.stripes.com/news/mullen-reminds-military-leaders-to-stay-professional-apolitical-1.131231>

Mullen reminds military leaders to stay professional, apolitical

By Leo Shane III

Stars and Stripes (Europe Edition), January 11, 2011

WASHINGTON — As the partisan divide in this city and throughout the country widens, Joint Chiefs Chairman Adm. Mike Mullen on Monday urged defense leaders to keep the military above the fray, professional and apolitical in all facets.

The comments come just days after the removal of a Navy captain for inappropriate videos and an announcement of far-reaching Pentagon spending cuts, both events which drew politicking from inside and outside the military. Mullen himself has also been a key figure in the contentious “don’t ask, don’t tell” repeal debate, signed into law last month.

But on Monday, at a military professionalism conference at the National Defense University, the chairman reflected on the negative national perception of the military following the Vietnam War, when Pentagon leadership was perceived to be a driving political force behind the unpopular war.

“Today, we’re trusted. We’re seen by the American people as an institution that they care about and have a great deal of confidence in,” he told the crowd. “That’s what we have to sustain. And that wasn’t always the case.” Mullen said part of that effort requires the military to better understand what’s expected of the institution ethically and morally, as the representative of America.

He noted that troops have “done things in these wars outside who we are as a country” — a reference to scandals such as the Abu Ghraib prisoner abuse — and said that leaders are responsible for making sure “we have to have a true compass morally.”

The nonpartisan nature of the military doesn’t mean troops must ignore their own opinions, Mullen said, but rather that they better understand the proper place and time to voice them. When asked about the “don’t ask, don’t tell” repeal, he said that strong leadership will be needed to implement the change, both in setting a strong example and listening to troops’ concerns.

“Each service has their own ethos and culture, and each service has been through difficult times,” he said. “But if we keep the right young captains in the Army, no matter what programs we keep or don’t keep, the U.S. Army is going to be just fine. I would argue that’s the case for every service.”

Panels at the daylong conference focused on issues such as professional advice to young servicemembers, political activity among retired military officers, and the relationship between the warfighters and their civilian leaders.

Mullen noted that despite the positive public view of the military, most civilians have little or no knowledge of troops’ life and culture. That’s a failing of both the public and the military, and a source of concern for the chairman.

“The American people are extraordinarily supportive of our men and women,” he said. “There’s a sea of goodwill, and they want to connect with us. But who we are is not often understood by them. And too often we’re just talking to ourselves.”

“Our audience, our underpinning, our authorities, everything we do comes from the American people. We cannot afford to be out of touch with them. And to the degree we are out of touch, it’s a very dangerous course. We cannot survive without their support.”

Miscellaneous

Suicide Prevention Alliance focuses on troops, veterans

By American Forces Press Service

Official Home Page of the US Army (ARMY>COM), 4 Jan. 2011

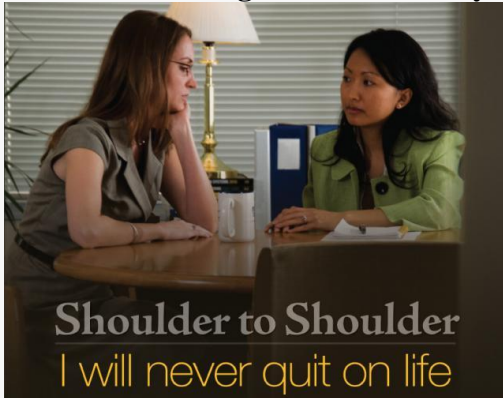


Photo credit U.S. Army

WASHINGTON (Jan. 3, 2011) -- A suicide prevention task force for troops and veterans has been added to a national alliance that officials hope will help bring more attention to the issues and offer solutions in the future.

The National Action Alliance for Suicide Prevention last week announced that troops and veterans, identified as a high-risk group, were added because of their increased suicide rates.

"Combined with initiatives already under way by the Department of Defense and the [Department of Veterans Affairs], this task force will further strengthen prevention, bringing together the best minds in the public and private sectors," said Army Secretary John McHugh, co-chair of the alliance.

The alliance was launched last year by Defense Secretary Robert M. Gates and Health and Human Services Secretary Kathleen Sebelius, with input and support of many public- and private-sector stakeholders, including the National Council for Suicide Prevention and VA.

Speaking Sept. 10, 2010, at the launch of the alliance, a public-private partnership, Gates emphasized the importance of a nationwide approach to suicide prevention. The alliance's strategy pools federal and private-sector research and resources to work on addressing the national suicide rate.

"In everything we do, we must remember that every Soldier, Sailor, Airman, or Marine is part, not just of the military, but also a larger community. Their families, their hometowns, their civilian employers, their places of worship -- all must be involved in the solution," Gates said at the launch of the alliance held at the National Press Club here.

<http://www.army.mil/-news/2011/01/04/50014-suicide-prevention-alliance-focuses-on-troops-veterans/>

The military suicide rate has increased steadily over the past five years, exceeding the national average of 11.1 suicides per 100,000 people. The military last year averaged 12.5 suicides per 100,000, according to DoD reports.

The leaders of the alliance's Military and Veterans Task Force are Jan Kemp, national director of VA's suicide prevention program, and Maggie Haynes, director of combat stress for the Wounded Warrior Project, a nonprofit organization.

In addition to the task force for service members and veterans, the alliance also established suicide-prevention task forces for other groups it determined are at high risk: American Indians and Alaska natives, and youth who identify as lesbian, gay, bisexual, or transgender.

Misconduct

<http://www.gazette.com/articles/felonies-110786-court-soldiers.html>

JUSTICE DEFERRED: Army deploys soldiers accused of felonies, leaving victims, judges, to wait for court date

DAVE PHILIPPS

THE GAZETTE, January 08, 2011 6:26 PM

The fight that led to Chester Duncan's arrest started over whether the dog could sleep on the bed.

Duncan was a 27-year-old Fort Carson specialist who had come home to Colorado Springs from a bloody tour in [Iraq](#) six months before. He didn't want the dog on the bed. His wife did. They got into a shouting match. Duncan began throwing things and then, according to police, jumped on his wife and started to choke her.

She scratched at his face as she gasped for breath. Their 8-year-old daughter heard the struggle and ran in, hitting her father and screaming for him to stop. Police said he knocked the girl to the ground with one hand, then she called 911.

Police arrested Duncan that night on suspicion of menacing, harassment and child abuse. It was Sept. 6, 2009.

The soldier made bail the next day and was appointed a lawyer by the state.

When it came time for trial, he did not show.

The Army had sent him to Afghanistan.

A Gazette investigation uncovered four Fort Carson soldiers who, like Duncan, deployed in the past year despite pending felony cases. The Gazette also learned of other cases of soldiers accused of felonies who had deployed as far back as 2006. One soldier was accused of breaking a man's jaw. Another allegedly pulled a gun on his 21-year-old neighbor. A third soldier is charged with attempted rape. All, like Duncan, went to war instead of court.

The practice is not limited to Fort Carson. Prosecutors near Army posts across the nation report the same. In Junction City, Kan., just outside Fort Riley, a legal assistant for the district attorney said it happens "all the time." In Killeen, Texas, near Fort Hood, the problem grew bad enough a few years ago that local judges and prosecutors rewrote bond agreements to bar deployment.

The deployment of troops accused of felonies is a legally murky and controversial practice that pits the Army against local authorities. The practice is driven by the demands of fighting two wars that have stretched in time and intensity well beyond initial expectations. In Colorado Springs, the constant demand for soldiers overseas has created a disconnect with judges and lawyers who are sometimes unsure how best to proceed, Army officials pointing to channels of communication that are rarely used, and sergeants reciting rules that are not applicable to justify their actions. The issue is not merely a turf war between local and federal government, it is a question of how much society should sacrifice in the name of national security. Deploying troops accused of felonies is one in a growing list of accommodations, ranging from airport body scans to uncharged detainees at Guantanamo Bay, that the United States has made in the past decade to fight

<http://www.gazette.com/articles/felonies-110786-court-soldiers.html>

terrorism. And it is one with an ironic twist: The effort to impose civil order abroad is eroding the civil rights of some at home.

The Army says it always gets civilian consent when it deploys a soldier who has been arrested in a felony, but interviews suggest that is not the case.

The Army also says it sends some soldiers accused of crimes to war for the good of the larger mission. But the practice gives the **military** privileges that no civilian has, while diminishing a basic civil right — the right to a fair and speedy trial.

Beyond that, some experts warn, the Army runs the risk of overstressing soldiers who may be psychologically rattled from numerous previous tours, or deploying unstable soldiers in sensitive missions where they could cause long-term strategic damage.

“It’s a lose-lose situation,” said Allen Gasper, a private attorney who represents one of the soldiers and says local judges, prosecutors and defense attorneys have tried to make the best of it but “don’t really know what to do.”

To be sure, few soldiers who deploy have been charged with felonies. Of the 25,600 active-duty soldiers stationed at Fort Carson, only 50, on average, are arrested each year on suspicion of committing violent felonies in El Paso County.

It is unclear how often soldiers who have been charged with felonies deploy before trial. Neither the Army nor local courts formally track when felony suspects deploy.

Even so, 4th Judicial District Chief Deputy District Attorney Dan Zook, the local prosecutor’s military liaison, said none should deploy without the district attorney’s consent. “If it happens once, it is too much. We just can’t condone it.”

ABOVE THE LAW?

When someone fails to appear for trial, Zook said, it leaves victims in the lurch while letting potentially dangerous criminals roam free. Beyond that, he said, not showing up for court is illegal.

“Yes, soldiers have an important job,” Zook said. “But everyone has to face charges. No one is above the law.”

That is where opinions differ. Fort Carson says its commanders are above the law — at least local law — and can deploy soldiers as they see fit. Federal supremacy trumps local power, and, officials say, the demands of waging war mean some troops can’t be spared.

The Pentagon has a more nuanced take. Col. Tom Collins, an Army spokesman at the Pentagon, said that while Army regulations ultimately give commanders the authority to deploy soldiers awaiting trial, it never happens without the blessing of civilian courts, adding, “They are not supposed to just circumvent the local authorities.”

Sometimes, Fort Carson officials argue, there is no choice. Civilian courts move slowly. Deployments often arrive long before trials. And sometimes, leaders say, it is better to defy the courts than to weaken the fighting force.

“Every Soldier declared non-deployable, for any reason, including pending criminal charges, reduces the overall strength of the force,” wrote Maj. Rob Insani, the lawyer for Fort Carson’s 3rd

<http://www.gazette.com/articles/felonies-110786-court-soldiers.html>

Brigade Combat Team, 4th Infantry Division, which has two soldiers accused of felonies now serving in Iraq. He answered questions by e-mail from Iraq.

When contacted about the issue, the District Attorney's Office at first seemed unaware that any soldiers facing felony charges are serving overseas.

"It has never been much of a problem," said Zook, who meets monthly with officials from Fort Carson. He said there were no soldiers deployed while their violent felony cases were pending, adding, "We have an agreement. If charges are pending, they will not deploy them until we are done."

When shown specific cases, he chalked them up to soldiers not reporting arrests and commanders deploying them by mistake.

"We can't blame the military for that," he said.

But Fort Carson says it is no mistake. It is the Army's right.

"Brigade commanders are aware of the (soldier's) circumstances," Fort Carson spokeswoman Brandy Gill said in an e-mail to The Gazette. "Ultimately, brigade leadership makes the decision on whether or not to deploy Soldiers who are facing charges" after weighing "the seriousness of the alleged offense, the evidence against the Soldier, the steps the Soldier is taking to resolve the matter, and the Soldier's service history."

In short, a colonel decides whether a case is serious enough for a soldier to stay behind. And the decision often comes down to how much a unit needs the soldier.

When shown Fort Carson's e-mail, Zook paused, then said, "That wasn't my understanding. We have an agreement. I don't think they know what they're talking about."

The deployment of soldiers accused of felonies crosses contradictory legal ground.

"Does the Constitution allow it? Yes," said Richard Collins, a professor of law at the University of Colorado.

The military is legally protected by authority given the federal government in the Constitution to "raise and support armies."

"Any valid form of federal authority would override state jurisdiction," Collins said.

And Army regulations state that deploying soldiers accused of felonies is allowed in special circumstances. Soldiers with pending felony trials in most cases may not deploy, according to Army rules, but if a brigade commander, with advice from the brigade lawyer, decides it is OK, then it is OK.

And though commanders face no legal penalty for deploying troops against local objection, soldiers can face contempt charges when they return.

So it is legal for the Army, but illegal for the soldier in question.

JUDGE: 'IT TROUBLES ME'

<http://www.gazette.com/articles/felonies-110786-court-soldiers.html>

In Colorado, anyone arrested on a felony charge typically has a trial date set months after the arrest to give both sides time to investigate the crime and negotiate potential plea deals.

In the meantime, in all but the most serious cases, suspects can bail out of jail by putting up cash intended to ensure they will return. Anyone who does not show for court usually loses the money and goes back to jail. Posting bail requires that the accused not leave the jurisdiction without a judge's permission.

When the trial date nears, both the prosecution and defense must announce to the judge that they are ready for trial.

Last June, when a judge asked if Chester Duncan's case would be ready for trial in three weeks, his public defender, Rory Taylor, said no.

Her client was about to deploy to Afghanistan.

Taylor had warned Duncan that deploying could land him in even bigger trouble, and he had brought in his first sergeant, Bobby Simmons, to explain the brigade's decision.

"The sergeant told me (Duncan) was a valuable asset, he had experience with combat and finding IEDs (improvised explosive devices)," Taylor said, recalling the conversation. "He said, 'Look, I need this guy.'"

According to Taylor, the sergeant said he could legally deploy his soldier under what he called "the status of forces agreement."

In fact, the status of forces agreement is a pact the military makes with foreign host countries, such as Germany or South Korea, to define how local law applies to American troops.

A few days later, Duncan was gone.

The alleged victim, who filed for divorce shortly after the assault, could not be reached for comment.

Duncan's sergeant and his company commander, Capt. Michael Parks, did not respond to requests for an interview. The spokesman of the 1st Brigade Combat Team, 4th Infantry Division, Maj. Earl Brown, said in an e-mail from Afghanistan in December that the "decision to deploy the Soldier was made with the judge's understanding."

That is not what the court says. None of the soldiers identified by The Gazette deployed with the court's consent. In June, when Duncan's attorney asked to delay the trial until after his tour, the prosecutor objected. The 4th Judicial District Court judge hearing the case, Deborah Grohs, refused to reschedule. If the soldier failed to show, she said, he would be held in contempt of court.

When the Army deployed Duncan, Grohs reconsidered. She said she felt sympathy for the soldier, who had little choice in the matter. Rather than issuing a warrant, she rescheduled. Duncan is in Colorado Springs on leave, and his trial is set to begin Monday. Duncan is expected to plead guilty to a lesser charge and receive a deferred sentence, which would allow him to return to Afghanistan.

<http://www.gazette.com/articles/felonies-110786-court-soldiers.html>

“I have mixed feelings about this situation,” said Grohs, who had two soldiers accused of violent felonies fail to appear in her court because of deployments in 2010. “If a defendant is dedicated to serving, I respect that,” she said. In cases of lesser, nonviolent crimes, the best option is often to defer the trial or reach a plea deal. But, she said, in serious crimes, “It troubles me that the military ignores the fact of a pending case.”

For its part, the civilian justice system has failed to create a unified policy that outlines a response for when the Army deploys soldiers, local lawyers say. Instead, judges and prosecutors often make ad hoc decisions in response to each case.

Spokesmen for brigades that deployed accused felons this year both said it never happens without prior communication with prosecutors and judges. Insani, who is the 3rd Brigade’s staff judge advocate, said the unit would fly soldiers back to Colorado Springs if there were a problem, adding, “We have an open line of communication with the D.A. and when requested, we will return an individual.”

In fact, attorneys and judges often have few clues about soldiers’ whereabouts or how to reach them after they deploy. Two of the soldiers in question did not contact their defense attorneys for several months after deploying, leaving the lawyers uncertain what to tell the judge.

Then in November, after The Gazette notified the Army of its investigation, both contacted their lawyers saying they would be back soon on leave to appear in court.

DECISION CAN BE TOUGH

Whether it is best to keep a soldier in town for trial is not always clear, even in cases alleged to involve violent felonies.

Sgt. 1st Class Trinity Burger is a model soldier with a long list of honors.

In three tours in Iraq and Afghanistan, the 32-year-old mortar platoon sergeant, assigned to the 3rd Brigade, earned 15 commendations, including the rare Meritorious Service Medal.

A month before leaving on his fourth tour, on the night of Feb. 14, 2010, according to police, he drove into his Colorado Springs apartment complex too fast and almost hit a man trying to cross the street. The 21-year-old pedestrian, using graphic language, told him to watch where he was going, yelling, “You almost hit me! I’ll kill you.”

The pedestrian continued to swear at Burger, according to court documents.

Burger allegedly got out of his truck, went up to his apartment and came back with a 9mm pistol.

He allegedly cocked the pistol and said “Don’t ever talk like that to me, bitch!” He was arrested and charged with felony menacing.

Burger could not be reached for comment. His attorney said the menacing charge is a misunderstanding and that Burger was acting in self-defense.

A month after Burger pulled the gun, he deployed to Iraq. Fourth Judicial District Judge David Prince issued a warrant for his arrest.

<http://www.gazette.com/articles/felonies-110786-court-soldiers.html>

Burger's case illustrates the wedge that war drives between the Army and local courts.

Burger is a decorated, experienced leader of a specialized platoon. His absence could diminish his unit's fighting ability and even possibly endanger the lives of other soldiers.

Insani, through a spokesman for the 3rd Brigade, said in an e-mail, "Each individual Soldier is important to the unit's ability to successfully accomplish the assigned mission."

Brigade commanders don't consider all soldiers critical. Most with pending cases remain at Fort Carson, working in their units' rear detachments until their cases are resolved. A spokesman estimated Burger's brigade left behind six such soldiers.

Burger's commanders declined interview requests.

Burger flew back to Colorado Springs in November to appear in court and ran into an unexpected problem.

His outstanding warrant meant he would be arrested going through customs in Texas. He made a rush call to his lawyer, Gasper, to ask the judge to quash the warrant.

"If he hadn't, it would have been a real mess," Gasper said. "They would have held him for extradition for weeks, and he would have not made it back from leave. He would have been AWOL."

The judge quashed the warrant and set Burger's trial for April, but he just as easily could have had him arrested, leaving his platoon with no senior sergeant.

While the Army argues that it needs key soldiers to fight overseas, other experts warn that deploying those soldiers could hinder the war effort just as much, if not more.

In counterinsurgencies like those in Iraq and Afghanistan, good relations with civilians are vital. Impulsive, aggressive troops who shoot too soon and kill civilians can undo months of progress.

Soldiers arrested for crimes at home seem especially likely to do that, said Jonathan Shay, a clinical psychologist and MacArthur Foundation "genius award" winner who has advised the Army's deputy chief of staff on mental health in war.

"This is leadership malpractice," he said. When you deploy a soldier accused of a violent crime, "You are taking someone whose self-restraint seems to be obviously deficient, whether for some pre-existing reason or as a result of combat experiences, and you are putting this person in a war zone with a weapon where he could do something abhorrent and have a disastrous effect on the larger mission."

"There is a saying that you are stronger in the broken places, and it is not true," Shay said. "The effects of trauma can build up over each event."

A PENDING TRIAL 'WEIGHS HEAVY'

The soldiers The Gazette identified were decorated soldiers with no history of violent crime, and all served multiple violent tours of duty. Then all were arrested after alleged violent outbursts.

Spc. Roberto Avila, a 25-year-old power-generator mechanic assigned to the 3rd Brigade Combat

<http://www.gazette.com/articles/felonies-110786-court-soldiers.html>

team, earned two Army Commendation Medals in as many tours in Iraq. One night in April 2009, two months after returning from Iraq, he was arrested and charged with attempting to rape his wife.

His trial was set for May, but he deployed in March. Reached on his MySpace page, Avila declined to comment.

When he did not show up for court, the judge, Deborah Grohs, issued a warrant for his arrest. She has not heard from him or his brigade since.

His lawyer did not return repeated calls, but his bondsman, Bobby Brown, said he learned the soldier was leaving, and skipping out on a \$25,000 bond, only three days before deployment.

Brown says he has seen the number of soldiers who deploy in violation of court rulings increase dramatically since the start of the Iraq war. He said he now petitions local courts two or three times a month to recover bail money on soldiers who have deployed.

“I don’t agree with the military sending someone to war with a serious felony pending,” Brown said. “Guilty or not, it has to weigh on them. And it’s a tough situation for victims involved. Their life goes on hold for a year. It weighs heavy on both sides.”

Spokesmen for the brigades of Avila and Duncan said both soldiers are critical to their missions.

“I understand the pressures of commanders who have to fill their ranks,” Shay, the clinical psychologist, said. “But they are using people up, and it is going to end in tears down the line.”

In Colorado Springs, it already has.

In May 2006, a Fort Carson soldier named Kenneth Eastridge was arrested in Colorado Springs on accusations he put a gun to his girlfriend’s head. In a previous tour in Iraq, Eastridge had been a model, decorated soldier. But after multiple roadside bomb blasts that injured him and killed close comrades, he was suffering from a traumatic brain injury, depression and post-traumatic stress disorder, according to Army records. Instead of going to court, he went back to Iraq.

In Baghdad, several former soldiers say, Eastridge began killing unarmed civilians, stealing Iraqi weapons and selling them back to insurgent militias. Shortly after returning to Colorado Springs in late 2007, he was arrested and charged with armed robbery and murder. His menacing case never went to trial.

In retrospect, Eastridge said from prison, the Army missed warning signs and never should have let him go back to Iraq.

Eastridge’s immediate commander, Staff Sgt. Michael Cardenaz told The Gazette in spring 2009 that repeated deployments had driven Eastridge to crime, and that his psyche was “a casualty of war.”

A short time later, Cardenaz, 29, who had served four combat tours, was arrested in an assault. He had been drinking at his battalion’s formal ball and allegedly got in a fight on Tejon Street. When a bystander named Seth Rippee asked Cardenaz why he had hit the other man, Cardenaz allegedly punched him, breaking his jaw in two places.

<http://www.gazette.com/articles/felonies-110786-court-soldiers.html>

“I had my jaw wired shut for two months. I couldn’t eat solids. I couldn’t really work at first. I lost my job,” said Rippee, who was employed as a house painter.

Rippee showed up in court three months later, hoping he could ask the judge to order the sergeant to pay \$15,000 in medical bills.

“But he never showed up. He had deployed,” said Rippee. “And the D.A. seemed to just let it slide. I couldn’t believe it. I understand these guys have a job to do, but had it been anyone else, no matter how important, he would be in jail.”

JUSTICE DELAYED?

Dan Zook, the deputy district attorney who oversees soldiers in local courtrooms, downplays the potential negative outcomes of deploying soldiers accused of felonies.

“It’s not a great problem,” he said. “It’s not happening enough that it warrants even tracking. I mean, if it happens once, that is way too much, if I were a victim I’d say ‘Hey, where are my rights?’”

But, he said, because soldiers are under the constant watch of their commanders while deployed, and the Army always returns them, it is a case of justice delayed, not justice denied.

“We tell victims: ‘This isn’t over; eventually the defendant will face the music.’”

That is not necessarily true, others say.

“Delaying a trial is bad,” said Gasper, a former district attorney who is now a private defense attorney. “Memories grow stale, victims recant, witnesses move and disappear. The longer it goes, the less likely there will be justice.”

And sometimes, war cuts justice short.

Cardenaz was killed by an enemy grenade in February 2010 in Afghanistan.

Rippee, who still has debt collectors call him almost daily about the medical bills he feels he should not have to pay, said it was hard to know how to feel when he heard the news.

“I feel bad for him. I feel bad for me,” Rippee said. “It’s just a bummer. I wish he had stayed so we could have resolved this.”

—

Contact the writer at 636-0223.

EDITOR'S NOTE

Reporter David Philipps is married to an attorney who works for the Colorado Public Defenders Office. She has had no involvement in these cases, nor in the reporting of this article.

Racism

It's time once again to tell Washington's football team to ditch the 'Redskins' racist moniker

By Courtland Milloy

Washington Post, January 4, 2011

After a recent visit to the National Museum of the American Indian on the Mall, I'm wondering how much longer our city will tolerate having a football team known as "Redskins."

It's a racist name, patently offensive - and the incongruence is simply ridiculous: a world-class institution devoted to showcasing Native American heritage in a city whose leading sports franchise makes a mockery of that heritage.

A film now showing at the museum, called "Reel Injun," chronicles more than a hundred years of insidious depictions of Native Americans in movies. We have been woefully misinformed, and our kids are still being brainwashed.

Walt Disney mythmakers would have them believe that Pocahontas was some Westernized siren in a sultry dress and not the 9-year-old girl that she really was when John Smith took an interest in her.

Bugs Bunny and Popeye are still killing off the "sneaky savages."

John Wayne can still be heard yelling: "The only good Indian is a dead Indian."

In our minds, Geronimo was Chuck Conners spray painted red - which, as a Native American comedian noted in the film, made about as much sense as "Adam Sandler portraying Malcolm X."

Enough already.

Having slaughtered hundreds of thousands of Indians, we romanticize the tragedy by turning Native Americans into sports mascots - feasting vicariously on their vanquished souls.

We think "Redskins" is a term of endearment while thinking little, if at all, of events such as Wounded Knee - the massacre of men, women and children by U.S. troops in South Dakota that epitomized the depth of animosity toward Indians.

Little wonder that the 120th anniversary of the massacre, on Dec. 29, passed virtually unnoticed.

Ask yourself: Why is it okay to use "redskins" but not, say, "blackskins" or "whiteskins"? Suppose some team chose as its mascot a spear-chucking Mandingo warrior who ran up and down the sidelines in a diaper? No way.

When Mexico released a stamp portraying its version of a Little Black Sambo character, African Americans flexed their international muscle and the stamp was withdrawn. The Mexicans said they loved the character and were simply honoring him with a stamp.

Apparently that line of reasoning only works when you're offending Native Americans.

"I see the name of the team and all of the imagery as being a continuation of a process that began a long time ago to define us in a very limited way, as less than human, in order to rationalize the dispossession," said Kevin Gover, director of the Museum of the American Indian, a Pawnee who grew up in Oklahoma. "It is a slur, a word that was used to degrade us, hurt our feelings and make us angry."

So far, dozens of Native American organizations have joined in no fewer than seven lawsuits protesting the team's name. Some of them, including a refiled lawsuit that was dismissed last year on a technicality, are expected to be tried in federal court this year.

<http://www.washingtonpost.com/wp-dyn/content/article/2011/01/04/AR2011010405217.html>

But why wait for the law to make us do the right thing?

Gover hastens to point out that just because fans cheer for the home team doesn't make them racist. Given the centuries of brainwashing by the media, some people may just be ill-informed.

"We don't believe anyone means us harm," Gover said. "On the other hand, once people know that the name is offensive, and they continue using it, you have to wonder about their intentions."

We all know that the Washington football team needs a new identity - that something has sapped the team spirit and depleted the will to win.

Look how awful they treat one another? It's as if the team is suffering from the same negation of humanity that is symbolized by the use of that faceless "redskin" image.

"No franchise wants to face that it's built a losing culture or pampered its big stars or that it simply has no identity," wrote The Post's Thomas Boswell in January of last year. "Nobody wants to say, 'We failed.' "

It's long past time to say it. Put that logo in a museum and create a new brand. Change the name.

A test of DNA and courage

Eugene Robinson

Washington Post, January 7, 2011

Race still matters in America, and justice is not completely blind. Anyone who believes otherwise should examine the case of Cornelius Dupree Jr., who was ruled innocent Tuesday after spending 30 years in prison - almost his entire adult life - for a brutal carjacking and rape that he did not commit.

Dupree is just the latest of 21 inmates from the Dallas area, almost all of them black, who have been exonerated since a 2001 Texas law permitted DNA testing of the evidence against them. At least another 20 convicts from other parts of the state have similarly been cleared of their crimes. Imagine the wrongs that could be righted if every state had a law like the one in Texas - and if every jurisdiction saved years-old evidence the way Dallas does.

If you don't believe me, listen to Craig Watkins, the Dallas County district attorney who is waging a systematic crusade to uncover and redress these miscarriages of justice. Elected in 2006, Watkins is the first Democrat since 1986 - and the first African American ever - to hold the job. Last year, amid the Republican wave, he somehow managed to get reelected.

Of the inmates exonerated thus far, "we've had maybe three white guys," Watkins told me in a telephone interview. "All the rest are black, and all of them were wrongfully identified at trial. Eyewitness identification, on its own, is flawed. And then there's prosecutorial misconduct. You've got to talk about that, too."

Keep in mind that these are innocent men. It's not that re-examining the evidence has raised "reasonable doubt" about their convictions, and it's not that they are being freed on some technicality. According to the DNA, there's no doubt at all: They didn't do it.

Most of the Texas cases involve violent crimes that include sexual assault - which means that the perpetrators left DNA behind.

The assault for which Dupree was convicted took place on Nov. 23, 1979. A young couple had stopped at a liquor store to buy cigarettes and use a pay phone. Two armed men commandeered the couple's car, kicked the man out, raped the woman and drove away. A week later, Dupree and another man, Anthony Massingill, were arrested not far from the crime scene; officers said they resembled two men who were being sought for a similar crime.

The rape victim identified Dupree and Massingill in a photo lineup, although her companion was unable to identify either man. At trial, both victims identified Dupree as one of the assailants.

Dupree always claimed innocence, but his appeals were turned down by the courts. In 2006, his case was accepted by the Innocence Project, a New York-based legal center that has represented inmates nationwide in wrongful-conviction cases.

Meanwhile, Watkins - a former defense lawyer - took office and quickly established a Conviction Integrity Unit to examine hundreds of cases in which inmates' requests for new DNA testing had been denied by the previous district attorney. Watkins is one of the few prosecutors nationwide to welcome and support the Innocence Project's interventions.

He told me that 18 of the Dallas exonerations have come on his watch. In quite a few of the cases he examines, the defendant turns out to be guilty.

<http://www.washingtonpost.com/wp-dyn/content/article/2011/01/06/AR2011010606056.html>

The mentality of prosecutors is "convictions, convictions, convictions," Watkins said. "Really, it is the job of a district attorney to seek justice. If there's a person who was wrongfully convicted, it's my job to make it right."

Testing of the evidence used to convict Dupree revealed DNA that came from two unidentified men - and no DNA at all from Dupree or Massingill. Since there were only two attackers, Dupree had been telling the truth. He was innocent.

Dupree won parole last July, after three decades behind bars, and was a free man at the time of his exoneration. He was eligible to be released in 2004 but would have had to attend a treatment program for sex offenders; he refused, seeing participation as an admission of guilt. Massingill remains in prison on a conviction in an unrelated case, now also being reexamined.

It's an explosive combination - African American men, false allegations of rape, eyewitness testimony that proves to be wrong, years of unjust punishment for innocent men. Craig Watkins is proving that this sociological bomb can be defused with a combination of science and integrity. Prosecutors around the nation should follow his courageous example.

Religion

<http://ebird.osd.mil/ebfiles/e20110109799060.html> or
http://www.stltoday.com/lifestyles/faith-and-values/article_0603a8ee-0f18-5447-9382-0ea6c926bc22.html

Army's 'Spiritual Fitness' Evaluation Comes Under Attack

**By Adelle M. Banks, Religion News Service
St. Louis Post-Dispatch, January 8, 2011**

WASHINGTON--The Army is facing questions over a "spiritual fitness" portion of a mandatory questionnaire, with some atheists calling it "invidious and not inclusive" of soldiers who are nonbelievers.

The Wisconsin-based Freedom From Religion Foundation learned in December that soldiers were being asked to respond to statements such as "I am a spiritual person" and "I believe there is a purpose for my life."

If soldiers received a low score on their spiritual fitness questions, they received an assessment that said "Spiritual fitness is an area of possible difficulty for you. ... Improving your spiritual fitness should be an important goal."

In a Dec. 29 letter to Secretary of the Army John McHugh, the atheist foundation asked for an immediate end to the spiritual evaluation components of the Global Assessment Tool and related programs.

An Army psychologist said there is ongoing analysis to determine if the assessment tool is making a positive difference in the Army.

"It is too soon to say publicly," he said.

http://www.stltoday.com/lifestyles/faith-and-values/article_19c66ee6-82b8-59f7-b3d5-fd3cc05bc538.html

Military chaplains are faith mismatch for personnel they serve

By **Tim Townsend**
St Louis Website, 9 January 2011

In the military, the chaplain serves as both a religious leader and a listener - ideally one who can assist military personnel of all faiths. A frequent refrain among chaplains is "chaplain to all, pastor to some."

But according to Department of Defense data, the nation's corps of chaplains leans heavily toward evangelical Christianity, failing to mirror the military it serves.

While just 3 percent of the military's enlisted personnel and officers call themselves Southern Baptist, Pentecostal or a member of a denomination that's part of the National Association of Evangelicals, 33 percent of chaplains in the military are members of one of those groups, according to Pentagon statistics.

And the disparity could soon widen.

Data from the Air Force indicate that 87 percent of those seeking to become chaplains are enrolled at evangelical divinity schools.

The discrepancy is the result of a number of variables, including an aversion by mainline Protestant and Catholic seminary leaders to participate in military culture after the Vietnam War; changes in the military's chaplain staffing and education policies; and the popularity of online courses for chaplain candidates at evangelical seminaries.

Military officials point out that chaplains are trained to support troops of all faiths, regardless of their own religious affiliation.

"In these various roles, chaplains respect the rights of others to their own religious beliefs, including the right to hold no beliefs," said Eileen Lainez, a Pentagon spokeswoman.

But liberal theologians and educators say the imbalance could compromise efforts to meet the spiritual needs of soldiers facing combat or the stresses of military life. And some critics go further, arguing that the military risks becoming a mission field for evangelical Christianity.

In response, Eden Theological Seminary in Webster Groves is launching its own program to train chaplains. The school is a seminary of the United Church of Christ, which is among the more liberal mainline Christian denominations. And its decision to train chaplains comes despite reservations about military involvement and objections to war.

"There's a vacuum," said Eden's president, the Rev. David Greenhaw. "And there's a general sense here that it's important to fill that vacuum."

Eden hopes to partner its chaplain track program with Webster University's counseling department, which works extensively with the military. Greenhaw said students would do theological coursework at Eden and counseling coursework at Webster.

The roots of Eden's decision can be traced back to a visit Eden professor Kristen Leslie and her graduate students made in 2004 to the Air Force Academy in Colorado Springs to train chaplains there to deal with sexualized violence on campus.

http://www.stltoday.com/lifestyles/faith-and-values/article_19c66ee6-82b8-59f7-b3d5-fd3cc05bc538.html

Leslie, then a professor at Yale Divinity School, later filed a report saying she and her students observed cadets who "were encouraged to pray for the salvation of fellow (cadets) who chose not to attend worship" and were told that those not "born again will burn in the fires of hell."

Mikey Weinstein is a graduate of the Air Force Academy and president of the Military Religious Freedom Foundation, which argues that a military heavily influenced by evangelical Christianity threatens to trample the establishment clause of the First Amendment.

"These are government-backed missionaries for Jesus Christ who see the military as a mission field, fecund and fertile for proselytizing," Weinstein said. "I commend (Eden) for trying to fight back."

Military officials say they are sensitive to issues of diversity and interfaith understanding.

"We look, in particular, for a pluralistic understanding or attitude," said Col. Steven Keith, a chaplain and commandant of the Air Force Chaplain Corps College in Fort Jackson, S.C. "We want you to keep your theology, and be able to work with people of different theologies. "

FINDING A BALANCE

Chaplains at Scott Air Force Base, whose duties include caring for airmen and airwomen who are readying to deploy, say being sensitive to all faiths is critical.

Maj. Kenneth Johnson, a chaplain and an African Methodist Episcopal Church pastor, said that while he has opportunities to promote his own faith, he generally steers clear of doing so.

"I meet someone where they are, not where I am," Johnson said. "If the Holy Spirit lets that opportunity occur, it will, but you have to stay true to the spirit of who you are as a minister."

Col. Douglas Slater, a fellow chaplain at Scott, said that while chaplains should strive to be pluralistic in their work, they nonetheless "can't leave the roots of our endorsing agents."

Leslie's findings on her visit to the Air Force Academy point to a far more aggressive form of proselytizing by military chaplains and commanders. Her testimony on the issue before the U.S. House Armed Services Committee in 2005 helped lead the Air Force Academy to issue revised guidelines designed to encourage respect for the rights of cadets from all faith backgrounds, and those who don't claim any particular faith.

Even so, in August a leaked report of a recent survey of cadets published by the Colorado Springs Independent revealed that 3 percent of cadets said they had been "subjected to unwanted proselytizing sometimes or very often." An additional 5 percent said they'd been proselytized "once or twice."

Critics say much of the problem stems from the fact that the faiths of chaplains are not reflective of military rank and file.

For example, the most popular Christian denomination among military members - as it is among the general public - is Catholicism. Twenty percent of those in the active duty military identify themselves as Catholic. Just 1 percent, meanwhile, are Southern Baptist.

In contrast, 16 percent of active-duty chaplains are Southern Baptist, while just 8 percent are Catholic, according to the Pentagon.

Meanwhile, there's less disparity in faith between non-Christian military personnel and non-Christian chaplains. In both cases, fewer than 1 percent identify themselves as being either Jewish, Muslim, Buddhist, B'hai or Hindu.

http://www.stltoday.com/lifestyles/faith-and-values/article_19c66ee6-82b8-59f7-b3d5-fd3cc05bc538.html

Even so, there are only 33 such chaplains across all branches of the military, according to the Pentagon, making it unlikely that personnel adhering to those faiths would ever encounter a chaplain of their faith tradition.

TRAINING and Recruiting

Critics say the reason chaplains don't more often share the faith of military members begins at divinity school.

That's where aspiring chaplains enroll to first earn a Masters of Divinity, a requirement for military service.

But as illustrated by the Air Force data, the vast majority of prospective chaplains are choosing divinity schools with an evangelical Christian focus.

That's probably a reflection of the religious preference of chaplain candidates, who are inclined to pick a school within their own denomination.

Military officials say they can't change that.

"We mirror the chaplain corps on what's going on in the civilian sector, so a decline in mainliners naturally means a decline in mainline Protestant chaplains," Keith said.

But some say the high number of chaplain students at evangelical divinity schools also has to do with marketing and recruitment by schools.

For example, Liberty University, an evangelical seminary in Virginia closely connected to the Southern Baptist Convention, has been able to recruit hundreds of chaplain students - most of them for the Army - in part because the school offers online degrees. Now, no school in the nation enrolls more potential future chaplains.

But military officials say that just because chaplain students are overwhelmingly enrolled in schools such as Liberty does not mean they will ultimately become chaplains.

Air Force chaplaincy in particular is a notoriously competitive assignment.

Keith said the Air Force received about 200 to 300 applications each year for active duty, Reserve and Guard chaplain positions. It accepts only about 30 applications for active duty chaplain candidate positions each year.

After Air Force chaplain candidates earn a Masters of Divinity degree, become ordained and work in a house of worship for three to five years, they must reapply through their denominational endorser to become a full-fledged chaplain.

Keith said the Air Force used to have a formula for denominational balance so that if one Methodist chaplain retired, for instance, another would be sought to take his place.

"The system now is 'most qualified,' with the underlying thought that the denominational balance will work out," Keith said.

He said there had been a recent effort among Air Force leaders of an "intentionality to examine balance."

Moving beyond Vietnam

Many who criticize the military for a lack of religious diversity among chaplains point to Vietnam for an explanation.

http://www.stltoday.com/lifestyles/faith-and-values/article_19c66ee6-82b8-59f7-b3d5-fd3cc05bc538.html

In the 1960s and early 1970s, the leaders of many mainline Protestant denominations stayed true to the name of their centuries-old Christian movement as they protested the country's war in Vietnam on moral and theological grounds. Many Catholic bishops took a similar stand.

In the decades after the war, the seminaries that train mainline pastors prohibited the military from recruiting chaplains on their campuses.

Conservative evangelical churches grew in popularity and political power in the 1980s and 1990s, and their seminaries filled a vacuum in the military chaplain corps.

"Post-Vietnam, mainline denominations wouldn't let military recruiters on our campuses," said Leslie, now a professor of pastoral theology and care at Eden. "In some ways, we did this to ourselves."

Even today, as Eden adds a chaplain program, its leaders say the school is placed in the difficult position of choosing between a theological aversion to war, and a desire to right a theological imbalance they see in the chaplain corps.

"There's a feeling that you don't want to affiliate with the military for fear that such an affiliation could be seen as an endorsement, an encouragement and support for warfare," said Greenhaw.

He said the chaplains Eden hoped to produce would be "distinctively Christian, actively ecumenical and actively interfaith."

And despite some theological reservations about working with the military, the Eden faculty is on board.

"Schools like ours have tended to not want to be involved," Greenhaw said. "You have the full weight of ambiguity about even having a military, but ambiguity doesn't mean people in the military shouldn't have the ministry of the church."

Sexism

<http://www.airforcetimes.com/news/2011/01/ap-military-female-veterans-missing-out-on-post-war-benefits-011011/>

Report: Women missing out on post-war benefits

By Zinie Chen Sampson - The Associated Press

Air Force Times, Jan 10, 2011 18:03:03 EST

RICHMOND, Va. — A new study says female military members returning from Iraq and Afghanistan are more likely to be diagnosed with mental-health conditions than their male counterparts. But men are more likely than women to get benefits for post-traumatic stress disorder and traumatic brain injuries.

The Veterans Administration's Office of Inspector General report, released Monday by Sen. Mark Warner, D-Va., also found that women are much more likely to suffer from major depression and to have a harder time transitioning back to civilian life after combat service than men.

It also advises that the Veterans Benefits Administration better inform female veterans about specific services available to them.

"Female veterans may be unaware of services available through Women Veterans Coordinators, because few regional offices post signs describing those services," the report said.

The study also found that the benefits administration denies payment for PTSD claims at a higher rate for women than for men, and denies a higher rate of male veterans' claims for mental health conditions other than PTSD.

During a review of 750 veterans' claims, the inspector general found that one of the primary reasons that more male veterans were granted disability compensation than female veterans was due to a regulation that the service member was required to have earned a combat badge or ribbon — which leaves out many female service members, because Defense Department policy requires that women be excluded from units that primarily engage in direct ground combat, the report said.

The VBA has since eliminated that rule, which had effectively blocked many veterans from being considered for PTSD benefits. Warner has asked Secretary of Veterans Affairs Eric Shinseki to correct some of the issues addressed by the report.

In a letter to Shinseki, Warner asked that officials notify veterans of the policy change, "especially female veterans and those previously denied claims, that the standard has changed and they now may apply for service-connected PTSD and other combat stress claims."

Warner noted that roadside bombs and other hostile tactics, as well as multiple deployments, have made those serving in Iraq and Afghanistan increasingly prone to PTSD. He said VA statistics show that almost 20,000 female veterans from the two wars have been diagnosed with a mental disorder, including about 8,500 diagnosed with PTSD.

Army 1st Lt. Kristen Rouse, a founding member of American Women Veterans, said Monday that the review and recommendations for changes raise awareness about female veterans' military contributions.

It also reminds female veterans that they're entitled to combat-related benefits for wartime physical and mental injuries.

"You were in combat, and we will take care of you if you have a condition that's related to your service," said Rouse, who served two stints in Afghanistan, the last ending in December. "This hasn't necessarily happened in the past."

Many female veterans have opted to seek treatment outside the system, even though they're entitled to receive VA care, Rouse said.

ODMEO High Interest Items

Information Paper on Officer Oath and Enlisted Oath

OVERVIEW: This document provides background information on all oaths taken by federal civilian and uniformed service members prior to service within the federal government.

All federal civilians and uniformed service members must swear the Oath of Office or the Enlisted Oath. The Oath is something that every service member and federal civilian must promise and adhere to for his/her entire career. From the Oath, you can see that individuals will be defending the Constitution—not a person.

KEY POINTS:

Two Oaths are used when being sworn in:

Oath of Office: Title 5, Part III, Subpart B, Chapter 33, Subchapter II, Sec. 3331 speaks to the Oath of Office which is taken by “an individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services.” This includes all federal civilian and service officers. The Oath of Office is as follows:

- **“I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”**

Enlisted Oath: Title 10, Subtitle A, Part II, Chapter 31, Sec. 502 speaks to the Enlisted Oath which is taken by each person enlisting in an Armed Force (Department of Defense and Department of Transportation). The Enlisted Oath is as follows:

- **“I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.”**

Further information regarding the Oath of Office and Enlisted Oath can be found at the following links:

- http://www.law.cornell.edu/uscode/html/uscode05/usc_sec_05_00003331----000-.html
- http://www.law.cornell.edu/uscode/html/uscode10/usc_sec_10_00000502----000-.html
- http://www.military.com/Recruiting/Content/0,13898,rec_step08_swearing_in,00.html

Schedule a Hiring Authority

OVERVIEW: One of the most common complaints about the federal hiring process is that it takes too long. As noted by the Merit Systems Protection Board in its September 2006 report entitled *Reforming Federal Hiring: Beyond Faster and Cheaper*, it takes an average of 102 days to complete all of the steps in the competitive hiring process, from making the request to making the appointment.

Certainly you, as a federal hiring manager or official, do not look forward to the prospect of spending three months or more trying to fill a position. Moreover, we know that excellent potential employees are lost because they too do not want to wait or cannot afford to wait months for a hiring decision. So what can agencies do? Use Schedule A!

KEY POINTS:

Schedule A is an excellent alternative to the frustrating and bloated traditional hiring process. Moreover, hiring qualified individuals with disabilities furthers several goals:

- Every federal agency strives to be diverse, inclusive, and provide equal opportunity to all. Agencies appreciate that a diverse workforce is its greatest asset.
- The Department of Defense has a long-standing goal of 2% participation by individuals with targeted disabilities in the civilian workforce.
 - Unfortunately, the participation rate is currently .78%.
- Congress has mandated that the federal government be the model employer of individuals with disabilities and increase use of Schedule A.
 - The mandate is reemphasized in Executive Order 13548, Increasing Federal Employment of Individuals with Disabilities, signed July 26, 2010.
 - Reaching model employer-status means that agencies need to make significant improvement in the area of hiring people with disabilities.

Using the Schedule A appointing authority, found at 5 CFR § 213.3102(u), qualified candidates who meet the Office of Personnel Management's (OPM) guidelines can be hired non-competitively –

- without the typical recruitment headaches;
- without posting and publicizing the position; and
- without going through the certificate process.

Still need a reason to use Schedule A? Increasing the use of Schedule A not only reduces the time to hire, it also reduces the associated costs. Meeting goals while also getting positions filled quickly and cost-effectively makes using Schedule A, a WIN-WIN proposition!

To educate agencies on hiring individuals with disabilities, the Office of Personnel Management recently developed two brief training clips on hiring and using Schedule A:

- <http://golearn.gov/HiringReform/hpwd/index.htm>, and
- <http://golearn.gov/HiringReform/applicant/hpd.htm>.

To learn more about Schedule A to hire qualified individuals, contact your Component Disability Program Manager and/or serving personnel office. Additional guidance is available by contacting Stephen M. King, Director, Disability Programs, Office of Diversity Management and Equal Opportunity, at 703-571-9327, or stephen.king@osd.mil.