

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 an internal 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.

Supreme Court Hears Case of Fired Reservist [Bryant Jordan, *Military.com*, November 3, 2010]

- Supreme Court heard case on Tuesday of Army Reservist who says he was fired from his job because he was deployed by the military
- This is the first case heard by the Supreme Court involving the Uniformed Services Employment and Reemployment Rights Act
- The core of the case is whether the reservists' employer can be held liable for a firing prompted by managers but carried out by a proxy
- Anti-military behavior on the part of managers was discussed as part of the testimony

[Supreme Court Hears Case of Fired Reservist](#)

Mullen – Problems Facing Vets Just ‘First Drops in a Rainstorm’ [Jeff Schogol, *Stars and Stripes*, November 3, 2010]

- Speaking at an awards ceremony held by the Business Executives for National Security, the Chairman of the Joint Chiefs of Staff, Adm. Mike Mullen said there are a list a challenges facing veterans including homelessness, post-traumatic stress disorder, and suicide
- Mullen urged Americans to help veterans and their families find the services they need
- Veterans and their families have given their very best and deserve the same in return

[Mullen: Vets' problems 'the first drops in a rainstorm'](#)

AFA survey: Cadets fear racial, religious bias [Lance Benzel, *Colorado Springs Gazette (gazette.com, Military.Com, October 30, 2010)*

- Nearly half of non-Christian cadets said fellow students have a “low tolerance” for nonbelievers
- 12% of women said they feared for their safety because of gender
- 42% of those who took the survey said they had witnessed or experienced illegal discrimination or harassment
- Academy Superintendent Lt. Gen. Michael Gould, has provided an overview of the steps taken to investigate the allegations in the survey results and ensure an equitable, tolerant environment

[AFA survey: Cadets fear racial, religious bias](#)

DEOMI News Highlights

Discrimination

[Supreme Court Hears Case of Fired Reservist](#)

Diversity

[In a First, Brazil Elects a Woman as President](#)

Human Relations

[Amputee to Return to Pilot Training](#)
[Mullen: Vets' problems 'the first drops in a rainstorm'](#)

Miscellaneous

[Amos offers vision for U.S. Marine Corps' future at town hall](#)
['Don't ask, don't tell' report expected to be delivered to Gates on Dec.1](#)

Racism

[U.S. government heightens enforcement against hate crimes](#)

Religion

[AFA survey: Cadets fear racial, religious bias](#)
[Navy Officer Sues for Objector Status](#)
[On an Indian Reservation a Garden of Buddhas](#)

Sexual Harassment

[MANG helps victims of sexual assault](#)
[Sexual harassment and the federal workplace](#)

Discrimination

<http://www.military.com/news/article/supreme-court-hears-case-of-fired-reservist.html>

Supreme Court Hears Case of Fired Reservist

by Bryant Jordan

Military.com, November 03, 2010

The Supreme Court on Tuesday heard the case of an Army reservist who alleges he was fired from his job in 2004 because he was deployed by the military. The case is the first that the high court has considered involving the Uniformed Services Employment and Reemployment Rights Act.

Army Reserve Sgt. Vincent Staub of Illinois claims two supervisors, resentful that his military duties called him away from work, set him up to be fired for poor performance. Staub made his claim under USERRA, which was enacted by Congress to make sure employers don't fire reservists just because they are called to serve.

At the heart of the case is whether Staub's employer, Proctor Hospital of Peoria, Ill., can be held liable for a firing prompted by managers but carried out by a proxy.

Roy Davis, the attorney for Proctor, argued that unless Staub was able to show that his department head, Michael Korenchuck, and his deputy, Janice Mulally, exerted a major influence over the woman who did the firing, there was no violation of USERRA because no one is claiming the supervisor held anti-military views. The supervisor, Linda Buck, would have had to be "the Cat's Paw" -- an unwitting tool used by another -- for Staub to make his case, Davis argued.

"But he has to demonstrate that the person who possessed animus exercised so much control over [Buck] that that person became the true decision maker," Davis said.

Chief Justice John Roberts told Davis he was having trouble following what he termed the "domination-motivating factor."

Associate Justice Sonia Sotomayor said Buck would not have been acting in a vacuum.

"She's acting on information that has been supplied to her by people who are authorized to supply that to her in the employment context," Sotomayor said.

The Justice Department weighed in on Staub's side. "An employer is liable under USERRA when a supervisor acting with a discriminatory motive uses a delegated authority to cause an adverse employment action," attorney Eric Miller told the court. Under USERRA, he said, military status has only to be "a motivating factor" in the decision by the employer in the firing.

Staub's attorney Eric Schnapper argued that Proctor was liable because of the employees' actions, including Buck, even if she did not have the anti-military biases of the others. Buck fired Staub based on reports supplied by supervisors with a demonstrated hostility to his service obligations, Schnapper argued.

Here the Justices took issue with Schnapper over the termination cause, with Associate Justice Samuel Alito commenting on Proctor Hospital's claim that Staub was fired based on a history of other issues.

"Let's say an employer calls in an employee and says ... we have to decide who to lay off and we have looked at your record over the last 10 years ... and based on all of that, we've decide that you are going to be the person to be laid off," Alito said. "Now if it turns out that one of those evaluations was rendered by someone who had an anti-military bias, would that make a ... case against the employer?"

Schnapper said it would, prompting Justice Anthony Kennedy to remark: "Well, that's a sweeping rule."

<http://www.military.com/news/article/supreme-court-hears-case-of-fired-reservist.html>

Staub was an angiography technologist at Proctor when he was called up for a three-month active-duty tour in 2003. In January 2004, he told the hospital he had orders to report for processing in anticipation of another call-up. According to court documents, Korenchuck and Mulally referred to Staub's service obligations as "bulls-t."

Testimony in the original trial in Illinois revealed Korenchuck described Staub's duty weekends as "a bunch of smoking and joking and a waste of taxpayer's money." Mulally later took over employee scheduling and assigned Staub extra shifts without notice, saying they were to "pay back the department for everyone else having to bend over backwards to cover his schedule for the Reserves," according to the high court's outline of the case.

In some cases, Mulally called Staub's unit to try and switch his duty weekends so he could work at the hospital, and even swore at and hung up on a unit administrator when he would not make the switch.

After informing the supervisors that he might be called up for duty again, Staub was given a written warning saying he was in violation of hospital policy requiring angiography techs to assist in more general diagnostic imaging duties when they weren't working with angiography patients. Though he had never heard of the policy and denied violating it, Staub still did the extra duty, according to the court outline. On one occasion when he was free of his usual duties but not able to reach supervisor Korenchuck, Staub left a message and took a late lunch in the hospital cafeteria.

When Staub returned, Korenchuck took him to the office of Linda Buck, where she handed Staub a termination notice.

Staub claims Buck never investigated the biased comments made against him. Buck said she fired him not only for the lunch incident but also because of complaints in his personnel file from former employees who quit because of his abrupt manner.

When Staub's case went to district court in Illinois, the jury found in favor of him. But the federal appeals court overturned the decision, deciding that the lower court made a mistake in letting the jury consider the anti-military remarks made by Korenchuck and Mulally because there was no evidence to show that either one exerted influence over Buck, who actually fired Staub.

Matthew Tully -- a partner in the Washington law firm Tully Rinckey and an expert on USERRA law -- said he believes the Supreme Court probably will come down on the side of Staub, notwithstanding its history of siding with employers.

"I think they'll find the 'Cat's Paw' theory not relevant to USERRA and still hold to Staub," he said. He said the court probably will give the servicemember "the benefit of the doubt" by coming to the conclusion that if Staub had not been in the Reserves he probably would not have been fired.

"The underlying issue here is if you have this culture that is anti-military, is it no wonder you're going to fire him?" Tully said. "So I'm of the position that if you've got that hostile work environment; if you've got that anti-military atmosphere, you don't need to establish that the direct supervisor had an anti-military bearing, because so many other factors that would have ... prevented him being fired if he was a normal civilian."

Diversity

In a First, Brazil Elects a Woman as President

By ALEXEI BARRIONUEVO

New York Times, October 31, 2010

SÃO PAULO, Brazil — Dilma Rousseff was elected the country's first female president on Sunday, as Brazilians voted strongly in favor of continuing the economic and social policies of the popular president, Luiz Inácio Lula da Silva.

Ms. Rousseff, who served as Mr. da Silva's chief of staff and energy minister, joins a growing wave of democratically elected female leaders in the region and the world in the past five years, including Michelle Bachelet in Chile, Cristina Fernández de Kirchner in Argentina and Angela Merkel in Germany.

Ms. Rousseff, 62, defeated José Serra, the former governor of São Paulo, with 56 percent of the vote to 44 percent, official numbers showed.

In choosing Ms. Rousseff, who has no elected political experience, voters sent a message that they preferred to give the governing Workers Party more time to broaden the successful economic policies of Mr. da Silva, whose government deepened economic stability and lifted millions of Brazilians out of poverty and into the lower middle classes.

In her victory speech, Ms. Rousseff pledged to focus on eradicating poverty, which she described as an "abyss that still keeps us from being a developed nation." She has indicated that she favors giving the state greater control over the economy, especially the oil industry, potentially steering the country further to the left.

After serving two four-year terms, Mr. da Silva was barred from seeking re-election, and he hand-picked Ms. Rousseff to be his successor, campaigning tirelessly for her.

"He treated this campaign like a re-election campaign," a sociologist, Demétrio Magnoli, said on television on Sunday night.

Though she could not match Mr. da Silva's charisma, Ms. Rousseff won Sunday by dominating the north and northeastern parts of the country, as well as the key swing states Rio de Janeiro and Minas Gerais.

Voters who supported her in São Paulo, where Mr. Serra won, said Sunday that they were willing to look past her lack of experience. "If it were only about experience I would never vote for her," said Denilson Quintino, 43, an electrician. "But she has a good team behind her. Today the country is much better off because of the Lula government. He did more for me than any other president."

Mr. Serra, who also ran for president in 2002 and has a long elected political resume, had pledged to focus on improving education and the public health care system. He also indicated he would give private companies a greater role in developing a newly discovered oil region that could transform the country into a global oil power.

http://www.nytimes.com/2010/11/01/world/americas/01brazil.html?_r=1&ref=world

Ms. Rousseff promised to build millions of low-income homes, expand a community-policing program pioneered in Rio de Janeiro, and substantially improve the quality of education and public health care. In the final debate between the two candidates on Friday, she called education — an area in which Brazil has lagged many other nations — “the most important issue facing Brazil.”

Despite the strong support of Mr. da Silva, the election went to a second round when Marina Silva, the Green Party candidate and former environmental minister under Mr. da Silva, pulled in 19 percent of the vote. Many voters liked Ms. Silva’s policies on sustainable development and her anti-abortion stance.

Ms. Rousseff struggled with conservative religious voters amid accusations from the opposition that she had flip-flopped on her stance on abortion. And she lost support when her successor as chief of staff was accused of peddling influence with companies seeking contracts and loans with the government and state development bank.

But Mr. Serra struggled to articulate a consistent campaign message and, with Mr. da Silva in her camp, Ms. Rousseff, a twice-divorced grandmother who opposed and was imprisoned by the military dictatorship in her early 20s as part of a militant group, proved too tough to beat.

Myrna Domit contributed reporting.

Human Relations

Face of Defense: Amputee to Return to Pilot Training

**By Joel Langton, 47th Flying Training Wing
American Forces Press Service Online, 2 November 2010**

LAUGHLIN AIR FORCE BASE, Texas, Nov. 2, 2010 – A Laughlin officer who lost much of his right leg after a boating accident got word last week that he'll soon return to pilot training here.

Since his accident nearly 14 months ago, Air Force 1st Lt. Ryan McGuire has completed rehabilitation using his prosthetics, completed the Air Force Marathon and competed in the Warrior Games. Since July, he's been back on duty here, but not in pilot training.

"When I first lost my leg, I never dreamed this day would come," McGuire said. "But leadership here has supported me every step of the way, and honestly, they're the ones who gave me this dream to come back."

Air Force Col. Michael Frankel, 47th Flying Training Wing commander, said it was a no-brainer to support McGuire in his efforts.

"When I first met Lieutenant McGuire, it was obvious that this young man is something special," Frankel said. "He has always had a positive attitude. I've never seen him down, never seen him upset. He's always been pressing forward, trying to achieve his goals. I look forward to the day when he graduates from pilot training and I can hand him a set of silver wings."

McGuire was injured Sept. 6, 2009, when he was yanked from a boat jetting across Lake Amistad at 40 mph. He was lifted out of the boat by a rope that was tied to an inner tube when the wind caught the tube, pulling him out. His hip was dislocated, his pelvis was fractured, and his right foot was mangled.

The aftermath was a nightmare for many, and a challenge for McGuire. He was taken by ambulance to Val Verde Regional Medical Center in Del Rio, Texas, and 10 hours after the accident, he arrived by helicopter at Brooke Army Medical Center in San Antonio.

Initially, doctors attempted to repair the foot, but five weeks later, McGuire lost much of his right leg below the knee.

"It was so surreal," he said. "It probably really didn't hit home until I woke up after the surgery. I woke up after, and my mom started crying. I pretty much knew then it wasn't just a bad dream."

But that pain launched him onto the road to recovery. As a child, McGuire said, he wanted to be an Air Force pilot. His dream eventually led him through the Air Force Academy.

"I never wanted to give up my dream," he said. Through months of sometimes painful rehabilitation, he relearned to walk and then to run.

A medical board found McGuire fit for duty in August. Two days later, a waiver request was submitted to allow him to return him to pilot training, and the waiver was approved Oct. 29.

A few pilots are serving on active duty with prosthetics, but McGuire is the first student to be returned to training status. He said he's learned a lot through the whole ordeal, but that he especially learned the meaning of the words "Air Force family."

"I went to the Academy, and it was a great time and we experienced a lot of camaraderie," he said. "However, throughout this, my Air Force family, and my real family, has been by my side throughout. The day of the accident, I had commanders at the hospital with me, helping take care of my real family, and ever since, they've been in my corner helping and pushing me as needed."

<http://ebird.osd.mil/ebfiles/e20101103785763.html> or
<http://www.stripes.com/blogs/stripes-central/stripes-central-1.8040/mullen-vets-problems-the-first-drops-of-a-rainstorm-1.123952>

Mullen - Problems Facing Vets Just 'First Drops In A Rainstorm'

Jeff Schogol
Stars and Stripes, November 3, 2010

WASHINGTON -- The problems veterans are having right now adjusting to civilian life constitute just a sample of things to come, Adm. Mike Mullen, chairman of the Joint Chiefs of Staff, warned Monday.

Speaking at an awards ceremony held by the Business Executives for National Security in New York, Mullen ticked off a list of challenges facing veterans, including homelessness, post-traumatic stress disorder and suicide.

“These are the realities we are seeing emerge as the dwell time is increasing ...and it is going to get worse,” Mullen said in prepared remarks. “Quite frankly – I believe that these are just the first drops of a rainstorm that may last for decades.”

Mullen urged Americans to help veterans and their families find the services they need. While troops deserve care packages and parades, what they really need is to be able to put food on the table for their families, he said.

“So we’ve got to make it easier for people to know what our troops and their families need ... and meet those needs more efficiently and effectively,” Mullen said.

Both veterans and their families have given their very best and they deserve the same in return, he said.

“How well we weather the coming storm and how long that storm ultimately lasts is up to us,” Mullen said. “The time to get ready for it is now.”

Miscellaneous

<http://ebird.osd.mil/ebfiles/e20101104785963.html> or
<http://www.stripes.com/news/amos-offers-vision-for-u-s-marine-corps-future-at-town-hall-1.124178>

Amos Offers Vision For U.S. Marine Corps' Future At Town Hall

By Kevin Baron

Stars and Stripes, November 3, 2010

MARINE CORPS BASE QUANTICO, Va. — Two weeks after becoming the new top Marine, Commandant Gen. James Amos laid out his vision for a “middleweight” expeditionary force responding to global hotspots and coastal cities rendered unstable by poverty, competition for resources, and ideological extremism.

But when question time came during a packed town hall with hundreds of Marines, Amos heard what was foremost on their minds.

What should closeted gay and lesbian Marines do amid the confusing on again, off again efforts to repeal “don’t ask, don’t tell”?

Marines should keep quiet while the law was in effect, said Amos, who explained he opposed repeal during a war tempo that has 60,000 Marines coming and going from Afghanistan.

“I worry about the distraction because I don’t want Marines to have to worry about: What does this mean for me with a roommate?” Amos said, taking an identical position to that of previous commandant Gen. James Conway.

Conway this summer said he felt the Marine Corps recruited “pretty macho” Americans, setting them apart from the other services in their opposition to openly gay service.

Amos said he has seen the results of the Pentagon’s survey of troops and families.

“We recruit differently,” he said. “We recruit on a warrior ethos. That’s us.

“There’s expectations when Marines, when they come in: they join us, we don’t join them,” he added, drawing a few quiet oohrahs and claps.

Another Marine asked what Amos will do to alleviate a two-year waiting list for day care on and off base?

The issue discussed recently in congressional hearings, said Amos and Sgt. Major of the Marine Corps Carlton Kent, and the Marines are building 10 new day care centers across the force. But an official in the audience did not offer any new immediate relief for parents.

And can a Marine fight in mixed martial arts competitions?

Kent said the Defense Department has to assure those bouts are legally sanctioned. He said he’s aware that Marines are taking to underground fighting contests, but the readiness of the force, not an individual’s desire to compete, comes first.

<http://ebird.osd.mil/ebfiles/e20101104785963.html> or
<http://www.stripes.com/news/amos-offers-vision-for-u-s-marine-corps-future-at-town-hall-1.124178>

Amos also revealed the detailed process behind crafting his planning guidance issued last week, a broad-stroked to-do list laying out the potential global threats to which he feels the Corps will be asked to respond.

Three months ago, Amos sent a team throughout the fleet to assess current problems and concerns, and he met with every three-star general. Amos said he also drew on his experiences flying across the country, talking to think tanks, foreign governments and militaries to conclude that future threats will emerge from coastal cities in the developing world.

“Based on the evidence that I read and study, this is where the Marine Corps is going to operate when we come out of Afghanistan,” Amos said.

Amos said his team spent days settling on the term “middleweight” for the Marine Corps. He rejected options like “general purpose,” which he said sounded “like a sack of flour.” Heavyweight sounded too fat and lightweight too fluffy.

“Send in the lightweights!” he joked, “What the hell does that mean?”

One priority will be to better integrate Marine Corps special operations into the regular force.

“My sense is that we have been in denial about MARSOC,” he said, citing the special operations command he helped establish. “They are Marines first, and they do special operations second. They don’t run around in black T-shirts. They don’t run around in beards. They better not,” he joked.

Touching on a wide range of issues, Amos said he intends to lighten every aspect of the Corps, citing “30-ton MRAPs” and too-heavy field gear.

Amos is directing the Marines to begin offering more than one “captain’s course” per year, fighting through concerns of cost, force strain, and dwell time with families.

The service is not diverse enough demographically to reflect American society. And the force has failed to provide adequate transition assistance for Marines leaving the service.

An ongoing force structure review of every unit, base and facet of the Corps is due to report to the commandant next month with recommendations on some of these concerns. Amos will pass it up to Navy leadership in January.

TheHill.com
November 4, 2010

'Don't Ask, Don't Tell' Report Expected To Be Delivered To Gates On Dec. 1

By Roxana Tiron

A key report on the implications of repealing the “Don’t ask, don’t tell” law is on track and expected to be delivered to Defense Secretary Robert Gates on Dec. 1, Pentagon press secretary Geoff Morrell said on Thursday.

Gates and Adm. Mike Mullen, the chairman of the Joint Chiefs of Staff, have insisted that the study is critical in educating military leaders in advance of the possible repeal of the ban on openly gay people serving in the military.

Reviewing the report will be a priority for Gates, Morrell said at a press briefing at the Pentagon on Thursday. However, Morrell declined to telegraph any steps that Gates would take to engage Congress on the repeal issue after he reviews the report.

Jeh Johnson, the Pentagon’s top lawyer, and Army Gen. Carter Ham, the newly appointed head of Africa Command, have been leading the yearlong study.

Gates “believes it's better to do this smart than stupid, and that this report is very important to us doing this smartly,” Morrell said. “So our focus right now is getting this report finished, getting it to the secretary, having him review it, carefully consider it, and then take measures from there.”

President Obama on Wednesday renewed his call for the repeal of the Clinton-era law and urged Congress to act before the end of the year. He indicated that Congress would have time to act after the Pentagon study is finished. Congress must write the legislation to change the 1993 law. However, it is yet unclear whether the Democratic leadership will be able to act by the end of the year.

The pressure is on the Senate to act on the 2011 defense authorization bill, which contains a provision that would repeal the ban after the Pentagon finishes its review of repeal implications and after Obama, Gates and Mullen certify that the repeal can be achieved consistent with the military’s standards of readiness, effectiveness, unit cohesion, recruitment and retention. The House already passed the 2011 defense authorization bill containing the same provision at the end of May.

Morrell indicated that Gates is primarily focused on the review and not on pressing Congress to act on repeal before the beginning of December.

“In 26 days' time, the secretary will have the work product that he thinks is so necessary for us to be able to fully understand the full implications of a repeal of 'Don't ask, don't tell' and then what additional measures we need to take in preparation for that eventuality,” he said.

Morrell stressed that the Pentagon would like to see both the defense authorization and appropriations bills for fiscal year 2011 passed “as soon as possible.” That fiscal year started on Oct. 1 and the Pentagon is funded through a stopgap measure. Both bills contain critical policies and funding for the U.S. military’s operations around the world.

Racism

U.S. government heightens enforcement against hate crimes

By Jerry Markon

Washington Post, Thursday, November 4, 2010

Federal authorities are stepping up enforcement against hate crimes, filing charges in a racially motivated cross-burning and announcing the sentencing this week of a Massachusetts man for burning a predominantly African American church the morning after President Obama's election.

Benjamin Haskell, 24, was sentenced Monday to nine years in prison for his role in torching the Macedonia Church of God in Christ in Springfield, Mass. The Nov. 5, 2008, arson nearly destroyed the building, and Haskell admitted in court documents that the crime was motivated by anger over Obama's election.

In Arkansas, three men were indicted on charges of burning a cross in the yard of a black resident of a rural area, the Justice Department announced Tuesday.

Although the cases are not connected, they reflect heightened federal enforcement against hate crimes and other civil rights violations, a top priority of the Obama administration, officials said Wednesday.

"It's extremely important," said Cynthia M. Deitle, unit chief for the FBI's civil rights program. "We are here to help people who have been the victim of an atrocious crime, whether it's police brutality or a church arson. If we don't do it, there's no one else who will."

The FBI was given an additional \$8 million by Congress last year for civil rights enforcement, and Deitle said much of that money went to investigating hate crimes. "We've increased our presence and resources in that area," she said.

The Justice Department is holding training sessions for agents and prosecutors across the country to enforce the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act. The 2009 law, for the first time, extends federal protection to victims of hate violence on the basis of sex, sexual orientation, gender identity or disability.

It is named for Shepard, a gay University of Wyoming student who was murdered in 1998, and Byrd, a black man who was dragged to death behind a pickup truck in Texas in 1998.

FBI data show that the number of hate crimes has remained relatively stable for the past decade. In 2008, the most recent year for which statistics are available, 7,783 hate-crime incidents were reported nationwide.

Michael Lieberman, Washington counsel for the Anti-Defamation League, which monitors hate crimes, said the group has seen increased bias incidents against Hispanics. In one recent case, a federal jury last month convicted two Shenandoah, Pa., men of a hate crime in the fatal beating of a Hispanic man in a park.

<http://www.washingtonpost.com/wp-dyn/content/article/2010/11/03/AR2010110307450.html>

In the Massachusetts case, Haskell and two other men were charged in January 2009 in the burning of a church building that was under construction and 75 percent complete. Haskell pleaded guilty in June, admitting that he and co-conspirators poured gasoline inside and outside the building and ignited the fuel.

Five firefighters were injured in the blaze, which left intact only the building's metal superstructure and a small portion of the front corner. A second man has pleaded guilty, and a third is awaiting trial. An attorney for Haskell did not return phone calls.

"The freedom to practice the religion that we choose without discrimination or hateful acts is among our nation's most cherished rights," said Thomas E. Perez, assistant attorney general for the Justice Department's civil rights division. "The department will prosecute anyone who violates that right to the fullest extent of the law."

© 2010 The Washington Post Company

Religion

<http://ebird.osd.mil/ebfiles/e20101030784797.html> or
<http://www.gazette.com/articles/cadets-107168-survey-bias.html>

AFA survey: Cadets fear racial, religious bias

By Lance Benzel,

Colorado Springs Gazette (gazette.com), October 30, 2010

Nearly half of non-Christian cadets polled in a recent Air Force Academy survey said fellow students have a “low tolerance” for nonbelievers – a 20 percentage-point jump from two years ago.

Twelve percent of women said they have feared for their safety because of their gender, and 42 percent of survey-takers said they had witnessed or experienced illegal discrimination or harassment.

Those findings – which touch on enduring sore spots at the elite service academy – were made public Friday as the academy reversed course and agreed to release the results of a 2009-2010 survey of cadets and staff.

“This has been a personal education for me,” said Air Force Academy Superintendent Lt. Gen. Michael Gould, referring to outside pressure to make the material public.

In other results, the survey found:

*75 percent of women respondents said they witnessed harassment or discrimination, while 39 percent said they directly experienced it.

*Both men and women responded that women are generally less accepted in the cadet wing.

*Of those reporting they suffered illegal harassment or discrimination, 20 percent cited their minority status as the cause.

*24 survey-takers said they feared for their safety because of race.

*22 cadets and eight academy employees said they were victims of stalking.

Gould opened a two-hour discussion of the survey Friday morning by identifying religious freedom, sexual harassment, physical safety and gender and racial discrimination as the academy’s major areas of concern.

He provided an overview of steps the academy has taken to investigate the allegations and ensure an equitable, tolerant environment.

Those include outreach efforts aimed at getting the anonymous survey-takers to provide more details about troubling results and educational programs focused on inculcating respect and tolerance.

Gould also announced the creation of an Office of Chief of Diversity, which will tie together diversity plans that cut across disciplines, offices and departments.

Air Force Academy officials said that some of the most provocative numbers require additional study.

The effort to make side-by-side comparisons between this year’s results and previous surveys was somewhat hampered because of adjustments made to the language in the survey, several commanders said.

<http://ebird.osd.mil/ebfiles/e20101030784797.html> or
<http://www.gazette.com/articles/cadets-107168-survey-bias.html>

For example, in 2006, a question polled Air Force Academy employees on whether sexual harassment occurred in their unit, resulting in positive responses from just more than 20 percent of the survey takers.

On this year's survey, however, the question was changed to inquire about sexual harassment throughout the Air Force Academy.

That created the possibility that rumor rather than experience accounted for the nearly 40 percentage-point rise in affirmative responses, said Dr. Kathleen O'Donnell, a faculty member who analyzed the figures.

In some cases, improvements for one group were met by backsliding for another.

Col. Michael Therianos, the academy's director of plans and programs, pointed out that while fewer nonbelievers felt pressure to be involved in religious activities than in past years, more self-identified Christians complained about religious freedom being abridged.

"To a degree, it becomes a zero-sum game," Therianos said. "As one group thinks they're getting better treatment, the other group thinks they are being discriminated against."

Commanders said they were caught by surprise by anonymous responses indicating overtly criminal activity, such as stalking and physical assaults, because no such reports had been made to law enforcement officers on campus.

Similarly, the minority survey-takers who alleged perceptions of racial discrimination or harassment did not file complaints with the Equal Employment Opportunity Commission or the Inspector General's Office.

Commanders are reviewing chain-of-command reporting procedures to ensure cadets and workers feel open to reporting such incidents as they occur.

The climate survey was administered in December and January and completed by nearly half of the 4,600 cadets and just more than half of the 1,900 faculty, staff and airmen who work at the Air Force base.

The academy began administering the anonymous and voluntary "climate surveys" in their current form in 2004, after a national uproar over claims that female cadets were being harassed and abused by their male counterparts.

The inaugural survey was analyzed in a 68-page report that broke down cadets' responses to questions about attitudes toward female cadets, drug use, racial matters and many other sensitive topics.

That report and others that followed were made public.

Despite that precedent, Gould initially refused to release detailed figures in August, calling the survey a commander's tool that could be a distraction from the academy's mission to train and educate young airmen.

He said Friday that he underestimated public interest in the survey and pledged to release future surveys when results become available. Gould said that he was urged to release the document in discussions with Air Force Chief of Staff Norton A. Schwartz and Air Force Secretary Michael B. Donley.

<http://ebird.osd.mil/ebfiles/e20101030784797.html> or
<http://www.gazette.com/articles/cadets-107168-survey-bias.html>

Absent from Friday's discussion was Mikey Weinstein of the Military Religious Freedom Foundation, who emerged as an early voice for releasing the report in full and filed a Freedom of Information Act request for the data.

Weinstein said he was barred from the meeting despite an attorney's letter to keep the venue open to all who requested the information.

"That speaks volumes more about the Air Force Academy's climate than two hours of mad spinning by Gould," Weinstein said.

Air Force Academy spokesman Dave Cannon said the meeting was limited to reporters who had requested the information.

<http://www.courant.com/news/connecticut/hc-conscientious-objector-1104-20101103,0,2366082.story> or
<http://www.military.com/news/article/navy-officer-sues-for-objector-status.html>

Navy Officer Sues for Objector Status

By Mark Spencer
Hartford Courant, November 04, 2010

HARTFORD -- Michael Izbicki grew up near Camp Pendleton Marine Base in California in a patriotic family with a tradition of military service.

In high school, he was a good student and attended an Evangelical church, where he was born again. He believed a good Christian could fight in a good war.

Turning down scholarships at other universities, he accepted an offer from the U.S. Naval Academy at Annapolis, Md. He graduated in 2008 with the rank of ensign, beginning what he hoped would be an honorable career of service.

Now he wants out.

Izbicki, 24 and based at the Naval Submarine School in Groton, filed a lawsuit in federal court in Hartford on Wednesday asking for an honorable discharge as a conscientious objector, a request the Navy has turned down twice in the past year.

According to the lawsuit, the Navy's investigations of the legitimacy of Izbicki's beliefs were deeply flawed and, in one case, "showed extreme religious bias" against his Christian beliefs, especially when it came to his increasing interest in Quakerism.

"My Christian convictions preclude the use of violence; I cannot take someone else's life, nor can I aid others in doing so," Izbicki wrote in his application. "Therefore, I cannot participate in war in any form."

Messages left at the Naval Submarine School seeking comment were not returned.

From 2002 to 2006, the active and reserve service branches reported handling 425 applications for conscientious objector status, according to the most recent report from the U.S. Government Accountability Office. It reported that 53 percent were approved, 44 percent denied and the remainder pending or closed.

But J.E. McNeil, executive director of The Center on Conscience & War, based in Washington, D.C., said the report only included the cases that went through the entire complicated process. Many more servicemembers want to be conscientious objectors but are pressured out of it, or their cases are mishandled or they leave the military before a resolution, she said.

The center, founded in 1940, runs a hot line for those who want to know about the process. She said it got about one call a week when she started working at the center in 1999. After 2001, it went up to two or three calls a week and now it's up to one or two calls a day.

Deborah H. Karpatkin, an attorney based in New York City, specializes in conscientious objector cases and is representing Izbicki, along with the American Civil Liberties Union of Connecticut.

"Each conscientious objector gets to their conscientious objector belief in their own way," Karpatkin said. "The relevant inquiry is whether their beliefs are sincere and deeply held."

<http://www.courant.com/news/connecticut/hc-conscientious-objector-1104-20101103,0,2366082.story> or
<http://www.military.com/news/article/navy-officer-sues-for-objector-status.html>

The 79-page lawsuit filed Wednesday describes a personal religious quest that began when Izbicki was at Annapolis, at the time actively involved in a Baptist church. It included countless hours of prayer, study of different faiths and conversations with clergy, both military and civilian.

He had to take a psychological exam when he started training to serve on a submarine. He was asked if he could launch a nuclear missile and he realized he could not.

Izbicki says he continued to study and pray, which led him to regularly worship with the Westerly, R.I., Friends Meeting. He now lives at the pacifist Christian community of St. Francis House in New London.

His lawyers say two Navy chaplains, three civilian-ordained clergy and two academic theologians have affirmed the "depth and sincerity" of his beliefs.

"Everyone who has met with him has been struck by it," Karpatkin said.

But two Navy investigators recommended he not be named a conscientious objector, saying they were not convinced. His lawyers said one of the investigators appeared to imply that the Quakers were a cult. Karpatkin said the investigator printed a copy of an e-mail he received from a Quaker supporting Izbicki and wrote "Jim Jones" in the margin, apparently referring to the leader of the People's Temple who convinced 900 of his followers to commit suicide in 1978.

"What went wrong here is the investigating officers' own religious beliefs resulted in a rejection of Michael's religious beliefs," Karpatkin said.

McNeil, who has reviewed the case, said she was surprised by what she called "Quaker bashing." In the hundreds of cases she has handled, she has never seen similar comments from Navy personnel, she said.

"I'm a Quaker and I was appalled," she said.

Izbicki says he is willing to pay the Navy for his education. He also says he is willing to go to prison.

"I believe that Jesus Christ calls all men to love each other, under all circumstances," he wrote in his application. "I believe his teaching forbids the use of violence. I take the Sermon on the Mount literally."

On an Indian Reservation, a Garden of Buddhas

By JIM ROBBINS

New York Times, October 31, 2010

ARLEE, Mont. — On a rural American Indian reservation here, amid grazing horses and cattle, a Buddhist lama from the other side of the world is nearing completion of a \$1.6 million meditative garden that he hopes will draw spiritual pilgrims.

“There is something pure and powerful about this landscape,” said Gochen Tulku Sang-ngag Rinpoche, the 56-year-old Tibetan lama, as he walked down a gravel road on a sunny fall day. “The shape of the hills is like a lotus petal blossoming.”

Richard Gere has not been seen house shopping here — yet. But on the land of the Confederated Salish and Kootenai tribes, a 24-foot statue of Yum Chenmo, the Great Wisdom Mother, has risen in Mr. Sang-ngag’s farm field. Nearby, in his old sheep barn, amid rubber molds and plaster, some 650 statues of Buddha sit in neat rows, illuminated by shafts of light pouring in through broken boards.

It seemed the perfect setup for a clash of two cultures when Mr. Sang-ngag, a high-ranking Buddhist lama, came to this remote part of Montana a decade ago, liked the landscape feng shui and bought a 60-acre sheep ranch. At the foot of the towering, glacier-etched Mission Mountains — not unlike his native Tibet — he and a band of volunteers began building a Garden of 1,000 Buddhas to promote world peace.

The arrival of the exotic culture here in cowboy country, with multicolored prayer flags flapping in the breeze, made some from the Salish and Kootenai tribes uneasy, to say the least.

An unusual land ownership pattern was partly to blame. While most Indian reservations are majority-owned by the tribes, a 1904 law allowed nonmembers of the tribes to homestead land. And as a result, there are four to five times as many non-Indians on the reservation as there are Indians.

Mr. Sang-ngag called his place Ewam Sang-ngag Ling, or the Land of Secret Mantra, Wisdom and Compassion. It turns out that it was sacred to the tribes as well, a place where, oral traditions hold, a coyote vanquished a monster and drove out many bad spirits so the people could live here.

Julie Cajune, the executive director for American Indian Policy at Salish Kootenai College and other Indians began working to build bridges between the tribes and the Buddhists. They suggested that the Buddhists bring traditional gifts, prayer scarves and tobacco, to the tribal council, which they did.

“Many people move here without recognition they are a guest,” Ms. Cajune said. “None of the mainstream churches or the Amish have done that.”

Buddhists in Japan, Taiwan and China have sent money for Buddha statues. The Dalai Lama has agreed to come and consecrate the Garden of 1,000 Buddhas after the project it is finished, perhaps in 2012.

But the patchwork of Indian and non-Indian land holdings within the reservation remains contentious. Some tribal members are worried that groups drawn to the Buddhist garden will buy up nontribal land, driving prices further out of the reach of Indians, and ignore tribal rules and customs.

<http://www.nytimes.com/2010/11/01/us/01monks.html?hpw>

They point to the case of Amish families who have bought farmland within the reservation, said Ms. Cajune, who is Salish.

“It’s ironic, but many Indian people can’t afford to buy land on their own reservation,” she said. A typical acre for building a home here might cost \$30,000 — an enormous amount in rural and tribal Montana.

But Ms. Cajune said there was also an uncanny kinship between the tribal and Buddhist cultures, based on understandings of sacred landscapes, and even notions of honor and respect.

The biggest driver of rapprochement here is a shared history of subjugation and displacement — for the Tibetans, at the hands of the Chinese (Mr. Sang-ngag spent nine years in a Chinese labor camp) and for the tribes, by the American government.

“There is a shared vision of cultures being under pressure and surviving,” Mr. Sang-ngag said through a translator.

The heart of the 60-acre development is the 10-acre Garden of 1,000 Buddhas. When tribal elders came and blessed it, the two groups found they both used juniper and sage as purifying incense for ceremonies, for example, as well as similar prayer cloths and ritual drumming.

After much outreach by the Buddhists, including asking permission from the tribe to have the Dalai Lama consecrate the ground, Ms. Cajune said, “I think local people are feeling more comfortable.”

The sheep are gone from the green hills here now. “They achieved Buddhahood,” joked Mr. Sang-ngag, as he walked through the garden, designed in the shape of the dharma wheel, which symbolizes the core teachings of Buddhism. The Great Wisdom Mother statue contains sacred vases and holy texts. Swords, guns and other symbols of war are buried underneath, to symbolize a triumph over violence.

In the Buddha barn, meanwhile, is a Norton motorcycle, which members here jokingly refer to as the sacred chopper. It will be raffled to raise money to finish the garden. About half the money has been raised.

Last week the Buddhists began planning with the tribal officials about managing pilgrimages to the site, a possible headache for the tribe. “Some people want to keep the reservation a good, quiet secret,” Ms. Cajune said.

But Mr. Sang-ngag says good karma, or spiritual energy, is ebbing from the earth, and the garden will help enhance it. “It’s designed to awaken the Buddha nature” of wisdom and compassion in anyone who gazes upon it, said Lama Tsomo, a student who lives nearby.

A potential cultural clash has become cultural reconciliation. “It’s two cultures honoring each other in peace,” Ms. Cajune said. “That’s a powerful story people need to hear.”

Sexual Harassment/ Assault

MANG helps victims of sexual assault

by Ashley Korslien
KRTV News, Oct 30, 2010

The Department of Defense recently released an annual summary showing an 11 percent increase in reports of sexual assault in the military over the past year.

The Montana Air National Guard is taking steps against the growing problem by offering victim advocate training. Volunteers learn how to interact with victims of sexual abuse in a confidential way.

Course instructor Major Rick Anderson said, "This course makes our victim advocates aware of it, and hopefully it makes people on the base aware that if they are assaulted and if they do go through a traumatic event, they have somebody to turn to up here for help."

The advocates role play as victims, getting a more personal experience of what its like to be an assault survivor. Advocate TSgt. Kari Maroney said, "It was a very hard class to sit through. A lot of nights you just go home and you wonder how it is so messed up. I didn't realize the stats of how many people are assaulted in the community. It is very important to get help."

Statistics show that one in three military women will be assaulted in their lifetime, and one in 33 military men will suffer from a sexual assault. In 2009, nearly 3,000 military victims reported sexual assault. But while the number of reports are increasing, the rates of reporting assaults are increasing as well.

Anderson added, "Five or ten years ago there was no program like this, the focus was solely on the alleged assaulter. The victim was free to get help on their own, but there was no focus on them at all. Now the focus is solely on the victim."

For the victim advocates, making a difference in one person's life is worth the training.

"I am scared that it is going to happen to someone, and I know it will, and that's the sad part. But I am also happy that I know the resources and I have fellow victim advocates and the SARC that I can go to that will help me make decisions," Maroney said.

15 volunteer victim advocates from the Montana Air National Guard and 5 volunteers from Malmstrom took part in the course.

Sexual harassment and the federal workplace

BY TOM FOX; THE FEDERAL COACH
THE WASHINGTON POST ONLINE, 1 NOVEMBER 2010

Sexual harassment has been back in the news with allegations of inappropriate advances by quarterback Brett Favre toward a female New York Jets employee, and with the reprise of accusations made long ago against Supreme Court Justice Clarence Thomas.

While these cases have made headlines, sexual harassment remains a fact of everyday life and a problem in the government workplace. According to a recently retired federal government executive, sexual harassment cases are significantly under reported.

A young federal employee recently shared an uncomfortable, but all too real story about her own sexual harassment experience.

On her first day at work, the young fed's supervisor closed the door and said, "I didn't really hire you for this job," and then proceeded to kiss her. The woman complained to her supervisor's boss, who reprimanded the employee. In response, the supervisor told the woman that he wanted to make up for his actions by taking her away for the weekend. Thankfully, this supervisor is no longer working for the federal government.

Sexual harassment is a difficult management topic; but as a federal manager, you must be prepared to take action if you hope to build and maintain a high-performing environment.

As a starting point, let's examine how the Equal Employment Opportunity Commission defines sexual harassment:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment."

The key takeaway for a manager is that any conduct of a sexual nature that creates an intimidating, hostile or offensive work environment can be considered harassment.

So, what do you do to prevent sexual harassment from occurring? How do you handle a situation when one of your employees--a woman or a man--approaches you about an incident and asks for help? Here are some ideas.

- **Make it clear.** Employees must understand what constitutes harassment and a "hostile work environment." No one should be able to claim, "I didn't know my actions were offensive." Bring someone from outside your office to lead a discussion if necessary.

<http://views.washingtonpost.com/leadership/fedcoach/>

- **Establish an open-door policy.** There is no substitute for direct and regular communication with your team about sexual discrimination. As a leader, members of your staff should feel comfortable approaching you about anything affecting their performance, regardless of how difficult the conversation. Every interaction sends a message about your ability to listen and solve problems.
- **Focus on the person as much as the problem.** As tempting as it may be to simply solve the problem, remember that anyone approaching you about sexual harassment may have experienced a traumatic event. Pay particular attention to their feelings and perceptions at the moment, but also gather the facts.
- **Ask for expert help if you need to take action.** Depending on the circumstances, including the victim's preferences, you may be the one who needs to take action. Talk with the appropriate human resources and equal employment opportunity staff to make certain that you're doing everything appropriately-whether you're talking with the offender or the victim. If the facts warrant action, make the sanctions strong and immediate, or take it to the next level.

Whether you're a leader who's had to deal with sexual harassment, or you're an employee who resolved the issue on your own, please send me your thoughts by posting your comments online or sending an email to fedcoach@ourpublicservice.org.