



The Newsletter of the
Military Law Task Force of
the National Lawyers Guild

ON WATCH

Volume XXIII, Number 4

December 2012

Continued public pressure key to addressing sexual assault in the military

BY KATHY GILBERD

The issues of military sexual assault and sexual harassment have been in the public eye a great deal this year because of new sexual assault scandals, release of the powerful documentary *The Invisible War* and the work of groups like the Service Women's Action Network (SWAN). The current courts-martial of drill instructors at Lackland Air Force Base in Texas are just the most recent reminder that these problems have not been solved by strong words and some reforms from the Department of Defense (DoD). DoD actions earlier this year, such as removal of court-martial convening authority power from immediate commanders in sexual assault cases, increased opportunity for sexual assault survivors to be transferred away from their assaulters, and

limited access to JAG counsel for survivors, may prove helpful, but are more in the nature of band-aid reforms than solutions to the problems.

In considering solutions to the problems of sexual assault and sexual harassment in the military, it is helpful to review a little history. While it is by no means the beginning of the story, the DoD first officially recognized the problem of sexual harassment in 1979, after media attention to the problem. In the early 1980s, the DoD created its first "zero tolerance" program for sexual harassment. In 1986, the Defense Advisory Committee on Women in the Services (DACOWITS) reported that sexual harassment was a major



Witnesses testified before Congress on the report of the Defense Task Force on Sexual Assault in the Military Services.

problem at overseas commands, again leading to media and public concern about the issue. Congressional hearings were held in 1987 and 1988, and in 1988 the DoD promulgated the first specific directive on sexual harassment. Service regulations and training programs followed. That year, DoD also began tracking sexual harassment cases, though it counted only those that were reported to service headquarters.

Tailhook Triggered Congressional Inquiry

Then in 1991 came the Tailhook Convention, where drunken Navy pilots groped and assaulted numbers of military and civilian women. After an ineffective investigation by the then-Naval Investigative Service, a much more compelling investigation by the Defense Investigative Service and public statements by women assaulted at the convention, the

Counseling and representing servicemembers in involuntary separations

Counselors and attorneys are seeing more servicemembers facing involuntary discharges, often other-than-honorable misconduct discharges, and often on the basis of underlying physical or psychological problems which should warrant military medical retirement. Charles Gnekow has produced a flowchart and notes that provide an overview of involuntary discharge proceedings, with some tips on counseling assistance. The information is taken from Kathy Gilbert's articles "Representing Service Members in Involuntary Discharge Proceedings" from the Sept./Oct. 2007 and Jan./Feb. 2008 issues of On Watch. [See Charles' article on page 6.](#)

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House Armed Services Committee conducted an inquiry into the matter. HASC concluded, among other things, that it was necessary to change military culture in order to deal with the problem of sexual harassment. A new round of regulations and training programs ensued.

Nonetheless, problems of harassment and assault continued to make their way into the news. In 1996, for example, twelve drill instructors at the Aberdeen Proving Ground in Maryland were disciplined or discharged for rape or assault against students under their supervision. Counselors and attorneys noted increased numbers of assault and harassment cases, most of which didn't receive publicity, in which women who reported their assaulters or harassers were targeted with often career-ending reprisals.

In 2003, the Denver Post published an important series on military sexual assault, leading to more pressure on the military. Public attention increased in 2004, when the Department of Defense reported 88 formal complaints of sexual assaults in combat zones in fiscal 2003. In 2005, attention focused on reports of sexual assaults at the military academies, after a 2004 survey showing that 50% of the women questioned at academies reported sexual harassment. (This followed statements from nearly 150 women who said they had been assaulted by male cadets at the Air Force Academy between 1993 and 2003.) Under congressional pressure, DoD set up a Task Force to report on sexual assault, promulgated a new series of regulations, and set up the current Sexual Assault Prevention and Response (SAPR) program.

'Chilling trend': Sexual Assault on the Rise

In the last two years, new exposés of sexual assaults brought the issue to public and media again, and an Army

Health and Discipline Report noted a monthly increase in assault cases, referring to this as a "chilling trend." Congress included protections for sexual assault victims, and increased training on the issue, in the last National Defense Authorization Act, leading to DoD's revision of its sexual assault Instruction and other policy changes this year.

We can see a cycle of public attention to sexual harassment or assaults, usually resulting from scandals involving large numbers of cases, followed by Congressional pressure, revisions to DoD policies, and a new round of training for servicemembers. While there have been more changes in the current round of Congressional and DoD action than in the past, the cycle was well described by Air Force General Mark Welsh, who recently told the Senate Armed Services Committee, "We've done a lot of work, and we've made no difference." The current policy changes, like their predecessors, make minor improvements in a fundamentally flawed policy; they are insufficient to the problem and often simply ignored in the field.

It's the Culture, Stupid

For a real solution, we must take a deeper look at military culture and training, particularly combat training. Servicemembers are trained with a misogynist equation of sex and combat, sexual prowess and combat prowess, sexual violence and combat prowess. Violent sexual imagery is used to indoctrinate soldiers, and misogyny is later reinforced in the rituals and day-to-day life of the military. This is not simply a reflection of sexism in the larger culture, but rather a tool used in making soldiers—sexual violence is used as a deliberate training and motivational tool to persuade soldiers to fight in wars where motivations such as patriotism and defense of country will simply not suffice.

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In order to address sexual assault and harassment, then, we need to make changes in the nature of military training and culture. Ironically, DoD is now making a service-wide investigation of military basic training, advanced training and schools to look at sexual assault training and possible cases of assault in the wake of the Lackland scandal. How much more effective it would be—and how unlikely—to have DoD examine the use of sexual violence in training at the same time, and mandate an end to it. Without this, the problems will inevitably continue. But such basic change is highly unlikely as long as this method is “needed” to produce soldiers.

The Sexual Harassment-Sexual Assault Link

On a more immediate level, it is also important to link the policies on sexual assault and sexual harassment. These are currently addressed by completely separate training, monitoring, and prevention programs, and use entirely separate complaint procedures. Only the Army, with its new Sexual Harassment/Assault Response and Prevention program, has begun to link these intertwined issues, though their program appears to be off to a slow start. Since sexual harassment often sets the environment in which assaults occur, these should be linked not just in training and prevention but, to the extent possible, in complaint mechanisms.

It is also essential that any real effort to address sexual assault tackle the problem of reprisals and retaliation. This is one of the most significant reasons for underreporting of sexual assaults, as women who have been in the military for any length of time recognize that assault complaints can destroy their careers. Complaints commonly lead to informal harassment and to reprisals such as poor performance evaluations, denial of promotion, involuntary psychiatric evaluations, and involuntary administrative discharges. This year’s policy changes specifically state that reprisals for sexual assault complaints are covered under the Military Whistleblower Protection Act. But MWPA protection for sexual assault complainants is not actually new, and the government has acknowledged that the MWPA is beset with problems.

Reprisals must receive the same level of attention as sexual assault complaints to avoid retraumatizing sexual assault survivors and destroying their military careers. Whether we look to a command-independent special office, as envisioned under the Sexual Assault Training Oversight and Prevention Act (the STOP Act, introduced by Rep. Jackie Speier, D-CA) or the new O-6 level of convening authority for sexual assault cases, the disposition authority should also have cognizance over complaints of retaliation, which cannot safely be left to the immediate command.

Some smaller changes could be important as well. The NDAA provisions now allow victims of sexual assault to consult military attorneys (JAGs) as available. This would be more effective if complainants were given the right to JAG representation up to and including reprisal complaints, not simply advice at the outset. Experience with civilian attorneys and advocates shows that representation can help to limit abuses in investigations, breaches of confidentiality within the command and retaliation.

Psychological Consequences of Assault

It would be valuable to examine the way in which medical personnel and the military’s disability evaluation system handle the psychological consequences of sexual assault. Many survivors find themselves involuntarily separated from the service on the basis of personality disorders or, more recently, adjustment disorders. We are seeing large numbers of women whose disabilities warrant service-connected compensation in the VA system and, while VA standards are different from those of the military, it is suspicious that we see far fewer women discharged or retired through the Physical Evaluation Board (PEB) process. A closer look at cases involving psychological illness, and some training of the personnel who refer cases to and conduct Medical Evaluation Boards may result in significantly larger numbers of medical retirement cases for assault survivors.

Policy changes must also address the problems faced by veterans. In the VA system, cases of military sexual trauma-based Post Traumatic Stress Disorder are evaluated on harsher evidentiary standards than combat PTSD; simple parity here is necessary. There is currently legislation in the House—HR 930—which would address this, as well as a petition campaign aimed directly at the VA.

Veteran survivors also deserve special consideration in discharge review cases, for those involuntarily separated or excluded from disability retirement. Congress has done some of this with combat PTSD cases in which veterans have received other than honorable discharges—current policy requires that those cases be expedited before the Discharge Review Boards, that panels considering such DRB cases include a medical officer and that the mitigating effects of PTSD on misconduct be considered. Similar policy could benefit survivors of sexual assault with involuntary discharges for Other Designated Physical and Mental Conditions based on adjustment disorders or personality disorders, as well as those who receive other than honorable discharges for misconduct.

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INTEGRATED DISABILITY EVALUATION SYSTEM

IDES update

BY KIT ANDERTON

The Integrated Disability Evaluation System (IDES) is a combined Department of Defense/Veterans Administration effort to process service members through a Med Board, to complete disability evaluations and to begin paying benefits to wounded, injured and ill troops. An article in *Navy Times* dated October 1, 2012, reports that IDES is taking at least 100 days longer than the process took in the older system that separated DOD and VA roles.

Because of staffing shortages (medical personnel, Physical Evaluation Board Liaison Officer [PEBLOs], secretarial staff) it now takes, on average, 394 days for active troops and 420 days for reservists to complete the system from assignment to an MEB to final discharge and disability payment.

Part of this time lag is staffing shortages, but there are also many more service members assigned to Med Boards due to the recognition of TBI and PTSD and the winding down of the occupancy of Iraq and Afghanistan.

I have worked on three IDES cases. One Navy member, a very patient man, got through it with full 20 year retirement and 100% disability. Another previously deployed Army member with multiple psychological and physical injuries was chaptered out after three Article 15s for misconduct. The third case is a female Army member, nine years of service, deployed to Afghanistan, who wants to remain in the Army but has serious back injuries and has been diagnosed with Post Traumatic Stress Disorder. I've found that it takes a lot of time to work with IDES

cases. Those who take them on should expect to work on them for a year or more. The key, as with all our work, is documentation. The problems I've found are:

Members in IDES are likely to have mental or emotional problems that make it difficult for them to keep records. The military, the IDES staff, or the member loses records, so it is difficult to put together a full file.

By the time the member calls us, s/he may have signed off on the MEB, making appeals and insertion of overlooked records very difficult.

The military seems to disdain members in the IDES process, often seeing them as useless and assigning them to jobs that isolate them all day, exacerbating mental or psychological conditions.

The member needs a lot of encouragement from a counselor to get through the process.

We as counselors can help with record keeping, monitoring the process and emotional support. At the annual meeting last year, Ray Parrish offered the opinion that this process is torture and that many members should accept that they will get an OTH and can then go to VA. I'm not sure I disagree, but it's still true that anything we can get into the record will help and it's a job worth doing.

I want to coordinate information about IDES and am willing to help any counselors going through it. If you have a case, please get in touch with me.

Kit Anderton works with the Santa Cruz GI Rights Hotline. Reach him by email at kit@cruzio.com or phone 831-359-1914.



(Military sexual assault advocacy, continued from page 3)

To make more significant inroads into the problem of military sexual assault, women's advocates must press Congress to create an exception to the *Feres* doctrine, which bars suit for damages by military personnel against the military. HR 1517, introduced by Rep. Bruce Braley (D-Iowa), proposes to do this. Sexual assault is a significant issue on which to challenge or change the *Feres* doctrine; one can make a significant argument, particularly under current policy, that rape is not incident to military service.

Finally, if the problem of sexual assault is really to be addressed, we must all help. We have an opportunity in the current climate to increase public pressure around

these problems and to require more fundamental change than yet another round of revised regulations and training programs. We must encourage and press Congress, and press DoD, for more and more meaningful action on this issue. And we must provide legal and practical support to survivors of sexual assault, to ensure that complaints are evaluated properly, to prevent investigative excess and retraumatization of victims, and to challenge reprisals.

Service Women's Action Network can be found online at servicewomen.org.

Kathy Gilbert serves as Executive Director of the Military Law Task Force. She lives in San Diego where she volunteers with the San Diego Military Counseling Project.



Bradley Manning Update

Editor's note: This update was written as Manning's pre-trial hearings were beginning in late November.

BY JEFF LAKE

There have been several developments concerning the case of Bradley Manning during the fall of 2012. This article will summarize the major developments and discuss what is next for this case.

In October, the court finally began to hear several motions brought by the Manning defense. The most significant of these was the motion to dismiss based on the denial of Bradley's right to a speedy trial. This is based on the fact that he was not arraigned for over two years after his arrest in May, 2010. Further, the UCMJ Article 10 compels the government to act diligently and expeditiously, but in fact the government has done the opposite.

On November 7 and 8, the government presented its witnesses on the motion. However, the defense will not be able to argue its portion of the motion until later. Hearings set for December have been canceled.

Also pending is Bradley's motion to dismiss based on his conditions of confinement in the Quantico Brig. The argument for this motion is scheduled to begin on November 27th, as this issue of *On Watch* goes to press. This motion is significant in light of the fact that the conditions amounted to torture according to the UN Chief Rapporteur on Torture. Another important development concerning this motion is that the defense has proposed an alternative to dismissal. The proposal is that Bradley would receive ten days credit for every day he was confined in illegal conditions if the judge does not dismiss the charges. It will be interesting to see how the military judge rules on this issue. If it turns out that there are no consequences to the military for confining Bradley in such horrendous conditions, it would set a terrible precedent and give tacit approval to use of such tactics in the future.

On November 9th, the Manning defense made an offer to plead guilty to various offenses that are contained in the offenses now charged against him. These offenses are the ones that cover the approved usage of secure computers and the appropriate handling of information. The defense also elected to have his court-martial heard before a Judge alone. These developments do not affect the prosecution's ability to prosecute all of the charges against Bradley. More importantly, he still faces a life sentence if convicted on all charges.

It is not entirely clear why the Manning defense chose to make the plea offer. It could be that the defense determined that it was important to make a statement that Bradley was only guilty of offenses that were necessary for him to communicate to the world what the U.S. military was doing. In this respect, supporters can now feel free to emphasize that he is not guilty of any serious offense, but only of using government computers improperly and disobeying orders. This appears to be the court-martial defense as well.



- News and support: bradleymanning.org.
- Independent journalists covering the story include Amy Goodman at [Democracy Now](http://democracynow.org), [Kevin Gosztola](http://kevingosztola.com), [Jessalyn Radack](http://jessalynradack.com), and [Alexa O'Brien](http://alexo'brien.com).
- See also [Defense counsel David Coombs' web site](http://defensecounsel.com)

The support for Bradley Manning continues. Recently a petition was started by the Oklahoma Center for Conscience and Peace Research <centerforconscience.org> to have his name considered by the Nobel Committee for its Peace Prize. Information regarding the petition can be found at <http://bit.ly/brad4nobel> Three past Nobel Peace Prize awardees, Desmond Tutu, Mairead Maguire and Adolfo Perez Esquivel, have called for Bradley to be freed immediately. The awardee who is currently the United States Commander-in-Chief has not yet joined this call.

The court-martial is now scheduled to begin in March 2013. However, already postponed several times, it would not be surprising to see it happen again. Demonstrations are planned for the court-martial at Fort Meade and around the country. Updates concerning this case and information on how to support Bradley Manning can be found at www.bradleymanning.org.

Basics of Involuntary Separations

BY CHARLES GNEKOW

NOTES ON COUNSELING AND REHABILITATION

Requirements for Rehabilitation and Counseling

- I. Rehabilitation and Counseling are required depending on the circumstances
 - a. Misconduct
 - i. Counseling
 1. **Counseling may only be a NCO coercing the military member into signing a document that says that they have been counseled**
 2. All services require that counseling be in writing and signed
 3. All services require counseling prior to imposing a misconduct separation due to a series of smaller incidents that taken together may lead to a involuntary separation
 4. *Not available for a misconduct separation that was based on a single serious offense*
 - a. **While it is called counseling, in this case it is only a signed understanding that discharge is being recommended**
 - ii. Rehabilitation
 1. Command discretion in most cases

NOTES ON STATEMENTS

Right to make a Statement

- I. The right to make a statement includes the right to submit evidence of any form for the separation authority's review:
 - a. legal arguments, a discussion of facts and medical issues, statements or evaluations from expert witnesses, affidavits or letters from witnesses to incidents leading to the discharge, the sort of documentary evidence mentioned above, and general character letters

Benefits of Statement

- I. Statements are important for several reasons
 - a. Statement can be helpful for veterans seeking a discharge upgrade or other discharge review by demonstrating an effort to oppose the discharge from the outset.
 - b. Waiving a response may show that the member had no basis for challenging, or desire to challenge the reason and character of discharge.
- II. For members who wish retention, discharge for a different reason, such as medical discharge or retirement, or a better characterization of discharge, a strong response may get the separation authority's attention and expose flaws in the basis for the discharge or the procedures themselves

Counselor Help

- I. Nothing prevents military counselors from assisting respondents in these proceedings by submitting letters or briefs raising legal and factual arguments for the separation authority's consideration.

Mitigation

- I. Responses can highlight the member's quality of service or mitigating circumstances that would make less than honorable discharge, for example, seem inappropriate
- II. Evidence should be requested in any form, such as past performance record that demonstrates a history of good behavior prior to a combat duty for example
- III. Another would be to show reprimanding was bias, such as counseling records that show the military member was the only one to receive that punishment in the last ten years.
- IV. In particular personality disorders can be misdiagnosed, where the root cause of the symptoms might be PTSD or some other type of trauma
- V. PTSD and TBI that are service related should result in disability or retirement

Procedural Errors

- I. Significant procedural errors can be found in the...
 - a. discharge proceedings
 - b. referrals for the underlying psychological evaluations
 - c. preparation of performance evaluations
 - d. counseling entries on performance or conduct deficiencies
- II. Failure to follow the requirements of the regulations may be significant enough, individually or taken together, to render discharges improper.

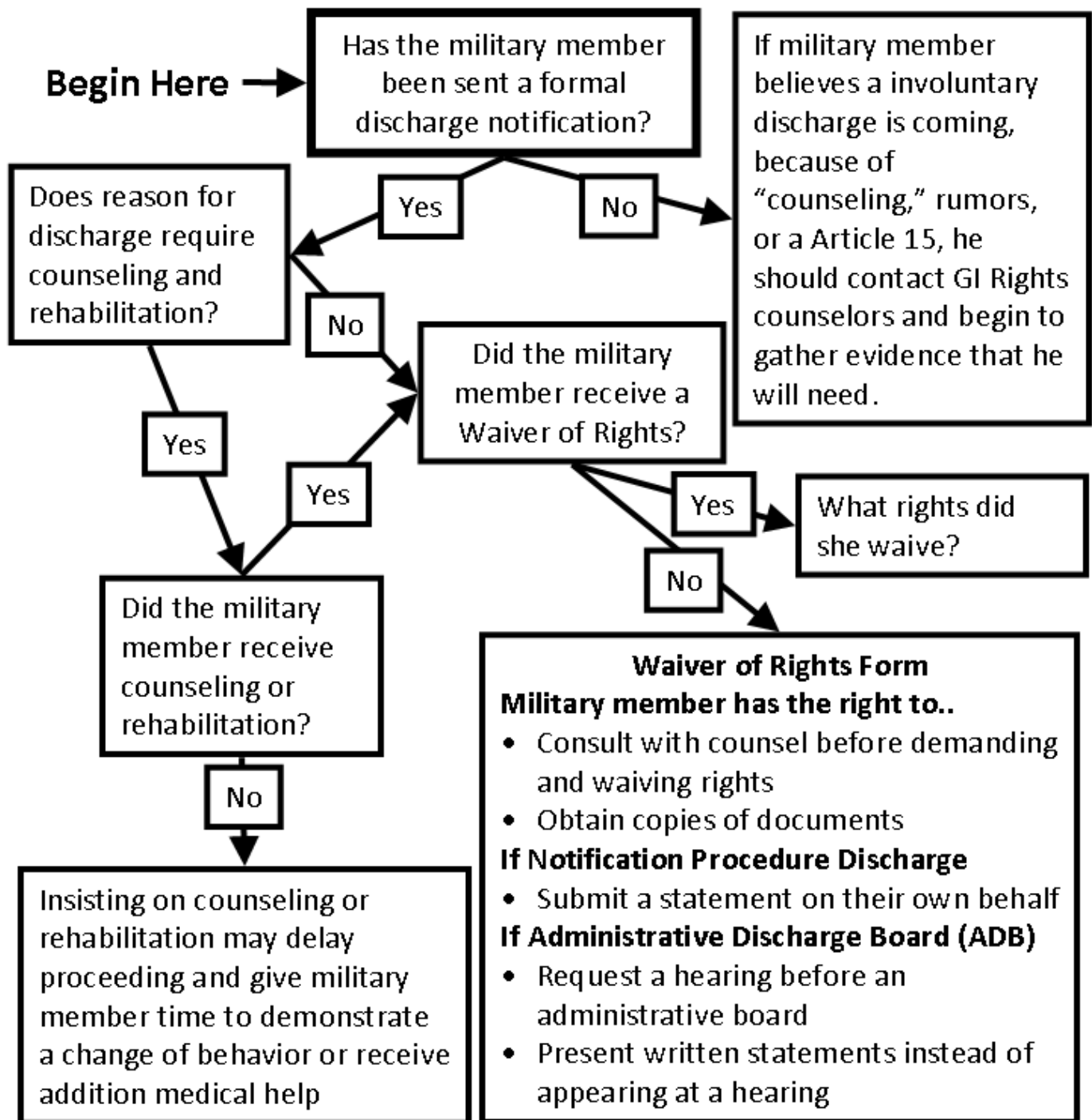
NOTES ON DISCHARGES

Superseded Discharges (Discharges that can be put on hold till other administrative procedures are conducted)

- I. If an administrative discharge can only be Honorable or General, then it is superseded by disability or retirement processing
 - a. Admin Discharges that can only be Honorable or General
 - i. Personality Disorders
 - ii. Parenthood
 - iii. Fraudulent Enlistment
 1. If due to concealment of *medical information*
 - iv. Alcohol or other Drug Rehabilitation Failure
 - v. Unsatisfactory Performance

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Discharge Notification Procedure Flowchart



Flowchart Notes

- Failure to respond to waiver of rights in two working days could lead to a waiver of all rights
- For discharges that can only be honorable or general, a discharge notification is used
- For discharges that can be OTH, the military member has to be discharged by an ADB.



- vi. Failure to meet body fat standards
- b. But if there is no medical condition severe enough to warrant discharge then it will not be superseded
 - i. Example: “members diagnosed with mild PTSD or depression and a sufficiently severe personality disorder often receive administrative discharges for personality disorder rather than medical discharge and retirement for PTSD”

Non-Superseded Discharges

- I. If the administrative discharge can be Other Than Honorable it takes precedence over any medical discharge or retirement proceedings which are contemplated or underway
 - a. Admin Discharges that can be OTH
 - i. Misconduct discharge
 - 1. Single incident of misconduct amounting to a “serious offense”
 - 2. Series of smaller incidents may lead to discharge
 - 3. Occurred in the current period of service, and can be used as a basis for discharge whether or not it resulted in an Article 15, UCMJ, non-judicial punishment procedure, court-martial or civilian conviction
- II. For discharges that can be OTH, the servicemember has the right to an Administrative Discharge Board (ADB)
 - a. Medical discharge or retirement proceedings only resume if the ABD is resolved in the member’s favor
 - b. Strong reason to fight for retention

NOTES ON WAIVER OF RIGHTS

Overview of Waiver of Rights

- I. Senior enlisted will most likely put pressure on military member to waive all rights
 - a. This is often done with claiming that there is a deal for a better characterization
 - b. Military member should always demand the right to counsel to before making decisions on what rights to waive
 - c. This will ensure that they may get a deal from waiving rights or give them a better understanding of the rights they are demanding or waiving
- II. Withdrawing waiver of rights
 - a. The military member may withdraw his/her waiver of rights at any time prior to the date the separation authority orders, directs, or approves the separation.

NOTES ON ADMINISTRATIVE DISCHARGE BOARD (ADB)

Mitigation

- I. Soldier may have acted out, self-medicated, or in general expressed frustration, depression or confusion which can be perceived as acts of misconduct despite underlying reasons of PTSD or TBI

- a. These can be defensible as inevitable consequences
- b. More often they are mitigating factors of the offenses
 - i. Examples
 - 1. “exploration may show that the soldier had severe PTSD after a combat tour, that he had been denied access to military doctors, or misdiagnosed by those doctors with a personality disorder (not seen as mitigating by most officers), or the doctor’s recommendations for duty limitations or discharge were ignored by the command”
 - 2. “Similarly, a Marine with traumatic brain injury (TBI, considered the “signature” injury of this war) may be disciplined and considered for discharge for memory lapses, judgment problems and impulse control problems related directly to the injury”
 - 3. “A soldier with a painful back injury may encounter disciplinary problems for “self-medication” with alcohol or other drugs when physicians who do not recognize the injury deny him proper pain medication”

Appeal

- I. A military member may have the ability to appeal a decision made by the ADB through a writ of habeas corpus/mandamus
- II. Requires legal counsel, so counselor should give them a legal referral

COUNSELORS ASSISTANCE

General

- I. Look for callers that are experiencing disciplinary action or have recently been in trouble
 - a. This will include NJPs as well as getting into trouble off base, which might make them eligible for misconduct
- II. Personality disorders that have caused conflict with the command
 - a. Explore possible incidents of PTSD or TBI, such as recent deployment
 - b. Also look at their record before deployment
- III. Begin to direct them to gather mitigating evidence, seek medical help, or legal referrals based on the situation
 - a. If they feel they are about to receive a unjust NJP they may also find it helpful to take it to court martial, after receiving legal counsel

Charles Gnekow is a law student at UC-Hastings School of Law in San Francisco. A former Marine, he served as a summer intern with both the Bay Area Military Law Panel and the Bay Area GI Rights Network.

Coffee Strong transforms from coffeehouse to worker center

BY ALEX BACON

Coffee Strong is a G.I. and veteran coffeehouse near Lewis-McChord just one hour south of Seattle. Opened the day after Barack Obama took office in November of 2008, Coffee Strong was formed by myself and other post-9/11 veterans who were attending The Evergreen State College in Olympia, WA. While in school, many of us read *Soldiers in Revolt* and watched *Sir No Sir*, two excellent starting points for learning about the servicemember and veteran resistance movement during the U.S. occupation of Vietnam.

We were inspired by the radical tradition of G.I. coffeehouses from the Vietnam era. We learned about coffeehouses like the UFO, Shelter Half and The Oleo Strut, where soldiers and students mixed among the radical currents and counter-culture of the times. Music, literature and conversation filled these coffeehouses of the past. We hoped for something similar to take place at Coffee Strong.

Focus on Services

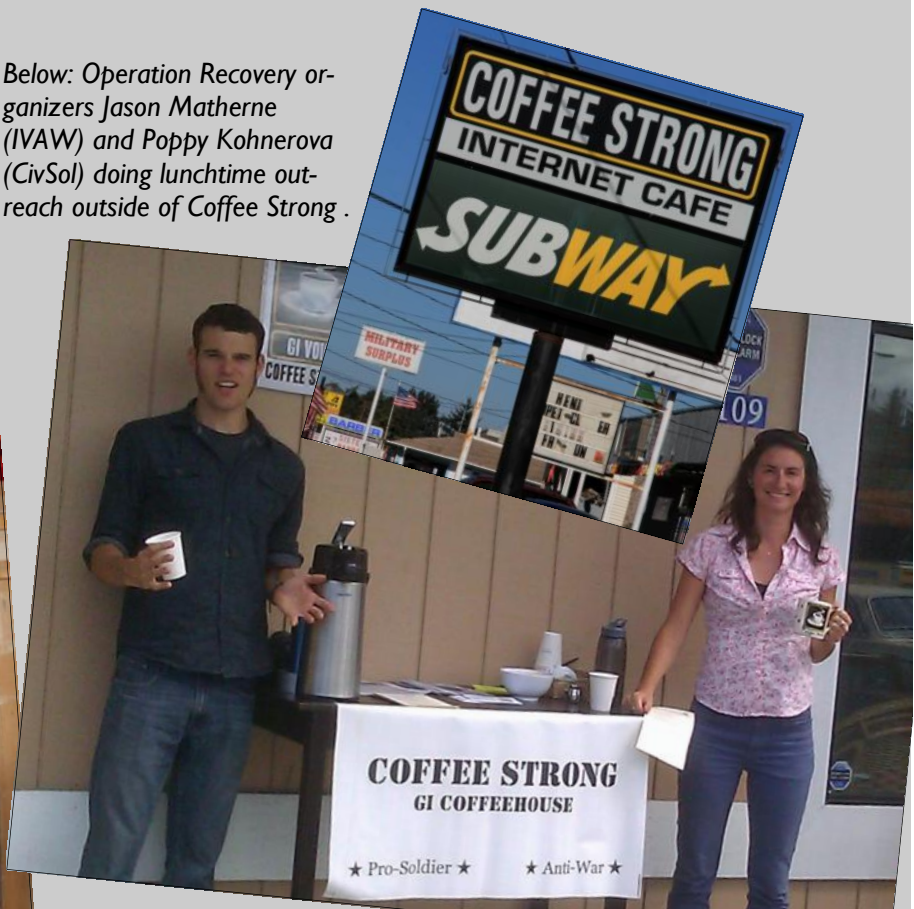
For the past four years, we have focused on directly providing services like G.I. rights counseling and assistance with getting veteran benefits. Our G.I. rights counselors have supported conscientious objectors, those seeking medical and hardship discharges, and service members with grievances for being mistreated by their commands. For veterans, our certified claims agents have helped many veterans successfully receive a disability rating from the Department of Veterans Affairs, entitling them to health care and a monthly disability payment. Recently, we've started to assist veterans with upgrading their discharge characterizations to counteract the frequency the military discharges injured service members administratively with other-than honorable (OTH) discharges, depriving service members of their right to make a disability claim.

We've also attempted to reach service members through music and art. While we've hosted many local and national folk, punk, hip-hop and hardcore bands, our highlight was our 2011 show headlined by Acrassicauda, the

Left: Operation Recovery organizer Graham Clumpler (IVAW) during the Right to Heal tour.



Below: Operation Recovery organizers Jason Matherne (IVAW) and Poppy Kohnerova (CivSol) doing lunchtime outreach outside of Coffee Strong.





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Iraqi heavy metal band featured in the documentary *Heavy Metal in Baghdad*. Our art shows have featured many active duty and veteran artists. We've also displayed the 'War is Trauma' art portfolio, which explores themes of resistance to and healing from war and trauma.

Outreach at Lewis-McChord base

This past summer, we engaged in our first coordinated outreach drive at Lewis-McChord. During the month of August, we sent organizers on base to directly engage active duty service members around winning their right to heal from injury and trauma. Speaking with more than 300 service members over the course of the outreach drive, we repeatedly heard about how the military medical system is set up to serve the military mission instead of healing people. This was made clear to Joshua Simpson, IVAW member and one of the founders of Coffee Strong:

I spoke with a soldier in the Warrior Transition Battalion (WTB), which is a unit for injured soldiers, and found out that this soldier was demoted from Staff Sergeant to Private because the severity of his PTSD prevented him from being on time to daily formation. He went to the WTB to heal and instead is punished for being hurt.

At the beginning of 2012, we began a process of critically evaluating our work so that we could make any necessary improvements. This included a focus group with a dozen active duty service members. Our biggest lesson has been to not wait inside Coffee Strong for service members to come to us, but instead to be proactive in doing outreach. We believe this is best accomplished through direct conversations with service members and collecting their contact information if follow-up is required. While this may sound intimidating, there's no question it works. Of the 300 service members we spoke with during our outreach drive more than 100 of them provided their contact information to us.

Coffee Strong to grow

Equally important has been for us to focus our resources on what we do uniquely well. For us, this means providing G.I. Rights Counseling, Veterans Benefits Assistance and discharge upgrades, as well as links to other resources. To better support this work, we are moving at the end of 2012 next-door to our current location. This will double the size of Coffee Strong, and will give us private meeting rooms, a conference room, and space for offices in the back of our shop. As a result of this move, we will be able to more than double the number of hours we're open to the general public, and to start taking live calls from the [G.I. Rights Hotline](#).

With our move to our new location, we'll be completing our transformation from coffeehouse to worker center. The worker center model is centered on building a community center and organization focused on service, advocacy and organizing among a specific group of marginalized workers. This model has been developed by other groups of marginalized workers such as undocumented immigrants. Over 100 of these centers exist around the country. In 2013 Coffee Strong will be the first worker center to focus on servicemembers and veterans.

Alex Bacon is the Director of Operations of Coffee Strong. He became a G.I. Rights Counselor on July 31, 2003, the day after being discharged from the U.S. Coast Guard. Alex can be contacted at bacale01@gmail.com. More information about Coffee Strong is available online at coffeestrong.org.

MLTF NEWS & NOTES

2013 GI Rights Network Conference will be in Santa Cruz CA March 7-10. It will begin with an evening get-together and meal for people who arrive on Thursday March 7. Programs will begin on Friday March 8 and continue until the afternoon of Sunday March 10. Tentative plans include training on medical discharges and retirement, conscientious objection, sexual assault complaints and reprisals, and involuntary discharges; CLE credit will be available for some sessions. The Santa Cruz GIRN group, the Resource Center for Nonviolence and the Santa Cruz WILPF chapter are the host organizations. More info and registration forms will be available shortly from nlgmltf@gmail.com.

The MLTF Legislation/Policy committee is gearing up for the 113th Congress beginning 1/3/13. The military budget, ending the wars, care for veterans, addressing sexual assault/harassment in the military and other relevant issues are all on the congressional agenda, and ours. If you are interested in political advocacy, contact Rena at advocate@nlgmltf.org.

BAMLP News – The Bay Area Military Law Panel has finished another year of training and mentoring law students, who do military counseling with the Bay Area GI Rights Network. A successful semester was celebrated with a pizza dinner, and now BAMLP is planning another training for new students. For information about the training, contact Jane Kaplan at jkaplan@att.net.

If you have news or announcements to submit for News & Notes, please send to nlg.mltf@gmail.com.

MLTF shines at 2012 NLG Convention

BY RENA GUAY

The 75th NLG “Law for the People” convention featured Angela Davis as the keynote speaker, and she was as amazing as we all expected. But to longtime NLG and MLTF members, the remarks by the outgoing president (and MLTF member) David Gespass were also a favorite.

“The highlights of the convention were Angela Davis’ keynote and David’s farewell speech — but I am prejudiced,” said Kathy Johnson, MLTF steering committee member and its representative to the NEC (who also happens to be married to Gespass). Prejudiced or not, the MLTF attendees concurred.

The MLTF had a well placed and well-visited table in the vendor area, hawking copies of *On Watch* and

other MLTF literature and training materials. We were able to present a display copy of a just-released book by former MLTF co-chair James M. Branum, *U.S. Army AWOL Defense: A Practice Guide and Formbook*.

The table also featured information and promotional items on the Bradley Manning case, which proved quite popular.

MLTF Executive Director Kathy Gilbert sat at the table for most of the event, and found that the Manning case was a good topic for conversations with NLG members who might not otherwise be involved in military law. “I met new Guild members and reconnected with old ones, all interested in our work,” she recalled, “and especially interested in our materials about the Bradley



Rena Guay and Kathy Gilbert staff the MLTF table. Photo by Kathy Johnson

Manning case. I listened as one Guild dad showed his little boy a Manning button and said, ‘This man is my hero. I’ll tell you why.....’”

“Besides the perennial literature table, MLTF had a strong presence at the convention,” Gilbert said in way of a general overview, “We hosted a CLE seminar on discharge upgrading, co-sponsored two workshops with the Queer Caucus and the International Committee respectively, and held our annual membership meeting. “ The meeting was followed by our now traditional social gathering in the hotel bar, which only the impending Davis keynote could convince us to break up.

While attendance was lower than desired at the meeting, about half of past years, it was nonetheless lively and productive. Three new members were elected to the steering committee (more about that in at left), while two current members were re-elected.

There was general disappointment and bafflement with the low attendance at the convention this year, especially considering the significant anniversary year and the keynote speaker. But despite that, the MLTF’s presence was significant and fruitful, since we gained newly active members and got the too rare chance to interact in person.



Meeting attendees L to R: Kathleen Gilbert, Dan Mayfield, Kathy Johnson, Jeff Lake, Becca von Behren, Brad Thomson, David Smith and Kara Mahoney. Photo by Rena Guay

Membership meeting and Steering Committee election

Due to scheduling conflicts with CLEs, turnout was low. But we had a good discussion of current military policy, its effects on public awareness (or lack thereof) about current wars, and what this might mean for us. This led to a discussion of the need to be more visible, to use social networking, create a media contact list and engage other tools to get our name and work into the world. This [outreach] project was adopted as the only addition when we re-adopted for 2013 our 2012 priorities and annual plan.

Aaron Frishberg and David Gespass were re-elected to the steering committee, and Lori Hurlebaus, Brad Thompson and Becca von Behren were elected, all of them bringing important energy and ideas to the SC. The meeting reappointed Kathy Johnson to continue as our NEC representative.

For bios of SC members, visit the Leadership page on the MLTF website, nlgmtf.org

ABOUT THE MILITARY LAW TASK FORCE

The National Lawyers Guild's Military Law Task Force includes attorneys, legal workers, law students and "barracks lawyers" interested in draft, military and veterans issues. The Task Force publishes *ON WATCH* as well as a range of legal memoranda and other educational material; maintains a listserv for discussion among its members and a website for members, others in the legal community and the public; sponsors seminars and workshops on military law; and provides support for members on individual cases and projects.

The MLTF defends the rights of servicemembers in the United States and overseas. It supports dissent, anti-war efforts and resistance within the military, offering legal and political assistance to those who challenge oppressive military policies. Like its parent organization, the NLG, it is committed to the precept that human rights are more sacred than property rights.

The Task Force encourages comments, criticism, assistance, subscriptions and membership from Guild members and others interested in military, draft or veterans law. To join, or for more information, please check our website at www.nlgmltf.org or contact the Task Force at:

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