By Michael P. Smith  
ARA Executive Director

This is "news from do-nothing Washington. The recent excitement in your Nation’s Capitol (as of this writing) is the possibility of going over the “Fiscal Cliff." This is very serious business. It is real. Many Americans are fearful…others do not give a damn. The truth is your legislators have known about this situation for almost two years…however, we are now at the 11th hour and our elected members appear to be taking “some action.” First, the lawmakers are trying to “avoid” the potential of financial hardship via tax-increases for “middle-class” Americans, (2) “avoid” getting the U.S. further in debt and (3) “avoid” additional tax burdens for small businesses. If you have been following this controversial story…the big issue is the differences in the tax issue between Congress, the U.S. House of Representatives, the U.S. Senate…and the recently re-elected U.S. President. Most conservatives would like the “Bush Tax Cuts” to carry-over into 2013. I’m optimistic “tax cuts” will be extended in to 2013. The debate is over taxing the highly compensated Americans…yep, the ones who actually keep America running and create jobs! The Senate is actually holding up progress. Clearly, without “fixing” our country’s financial well-being we sadly cannot even think about efforts to repeal the “Former Spouse Protection Act (USFSPA).” However, activity is on-going to “educate” new and senior Members of Congress.

Sadly, we lost Senator Dan Inouye who was totally behind USFSPA repeal.

We also lost other great American patriots like GEN Norman Schwarzkopf and actor Charles Durning, a WWII D-Day participant and POW. These patriots were always present in Washington and supported our veterans and active military.

Prediction: when you read this ARA 2013 Newsletter we will have temporarily resolved the “Fiscal Cliff” issue and received further support to repeal USFSPA. Further positive actions: the National Defense Authorization Act (NDAA) will carry a 1.7% pay increase for the military. Unfortunately, in the months ahead, Washington gridlock and “partisan” politics will get worse. The horrible Libya “Benghazi” issue will get more intense with Congressional hearings. Debate will be “hot” over the nomination of Senator John Kerry for Secretary of State. No “rubber-stamp” approval. Vietnam “river-boat” veterans are disturbed and disappointed with “Kerry’s” nomination. More fireworks ahead on Capitol Hill…stay tuned!

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**Record high suicide rate prompts an Army-wide initiative**

By Erin Cox  
The Baltimore Sun

At Fort Meade, where the suicide rate among service members is six times higher than that of the entire state, a crowd of 75 soldiers offered mostly silence when Mark Fisher asked them to list potential warning signs that a colleague is about to take his or her own life.

“The only way we’re going to attack suicides is to talk about it,” Fisher urged them. “We have to get it. And this is the only way.”

Fort Meade’s mandatory suicide prevention training Wednesday was part of an Army-wide initiative undertaken as the military branch is on pace to reach its highest-ever suicide rate. The number of suicides each year has nearly doubled since 2005, from 87 to 165 last year. And the number of monthly suicides doubled from June to July — when suicides outpaced combat deaths of active-duty soldiers.

Aberdeen Proving Ground will hold its “stand down” training Thursday as military installations around the globe temporarily
Our Secretary of Defense describes his military personnel suicide casualty-count as “frustrating.” Does he know, the ultimate responsibility for military personnel suicides lies with the ultimate authority that encourages all but 10% of these tragedies? The Honorable Daniel K. Inouye, the lone sitting US Senator who opposed Uniformed Services Former Spouses Protection Act (USFSPA) provisions over 30 years ago, obviously envisioned these tragedies but he’s gone to his final resting place.

Unit commanders know personnel in their charge are not properly trained and equipped to survive a military divorce, friendly fire actions: Roughly 60% of this casualty-count are senior enlisted personnel: The US Army’s Strong Bonds training program’s PICK briefings tacitly protect USFSPA. This cultural training should be embedded in all military personnel in-processing, because USFSPA provisions are “permissive” in family/domestic court jurisdictions.

Senator Inouye is gone to his final resting place, but unit commanders who write “I regret to inform you” letters to surviving loved ones know USFSPA provisions define divorcing dependent military spouses as blameless victims, because:
- 10 USC 1408(a)(6) does not define them as “un-remarried”
- 10 USC 1408(a)(7) includes retainer pay in its definition of military retired pay, and
- 10 USC 1408(h) does not provide equal protection under the law for military personnel who are abused by their dependent military spouses.

Are we to presume, after so many years of sad, contentious, experience, that failing to identify USFSPA provisions as the principle root-cause of military divorce actions, and by tragic extension, military personnel suicides, is unintentional? If the incoming 113th Congress directs the Pentagon to report military retired pay as currently earned income on IRS Form W2 or 1099:
- 10 USC 1408(d) language would be moot, after the 20th word in paragraph (1); and encourage divorce-minded dependent military spouses to pursue their retirement intentions in sympathetic family/domestic court jurisdictions.

I urge you to ponder this New Year’s resolution: Failing to share our sentiments and concerns, will surely perpetuate USFSPA provisions. Our website link provides contact information for those elected to represent our interests in congress and our respective state legislatures. Let freedom from USFSPA tyranny ring in the 113th Congress! The 100th Congress set this precedent for our CIA and FSA compatriots, according to then House Foreign Affairs Committee Chairman Lee Hamilton, uniformed service personnel were not included in his rescue operation because those elected to represent our interests, at that time, expressed no interest.

At your service,
Dennis Egge, President, ARA BOD

LETTERS TO THE EDITOR

The FY13 NDAA responds to the nations’ profound concern about suicides by members of our military. The bill requires DOD to develop a comprehensive policy on the prevention of suicide among service members. It also requires the Secretary to establish a position within the Office of the Secretary of Defense that would be responsible for overseeing all suicide prevention and resiliency programs of DOD and the military services.

Our Commander in Chief’s newly mandated Transition Assistance Program (TAP) follows the poor example set by the US Army’s Strong Bonds program, Premarital Interpersonal Choices and Knowledge (PICK) briefings. Does the Pentagon’s failure to properly train and equip all personnel in its charge to survive these too frequent “friendly fire” actions arguably drive many married, divorcing and divorced personnel to commit suicide, in despair? The Pentagon acknowledges that very few of its single (aka never married, divorcing or divorced) personnel, consider suicide. Does this justify its failure to proactively address the root cause of its career personnel suicide problem with appropriate and effective survival training for target audience personnel? Personnel who’s suicide attempts are unsuccessful, can be punished in accordance with UCMJ Articles

In October 2009, the Cox II commission shared its concern, regarding the total lack of equal justice protection for military personnel who are abused by their dependent spouses, in 10USC1408(h), with key members of Congress and Pentagon officials. To date, the response from Capitol Hill and the Pentagon has been “silence.” Does the Pentagon’s silence encourage and reward dependent military spouse’ abusive, predatory, behavior?

Remembering the Honorable Daniel K. Inouye (1924 ~ 2012)

All USFSPA casualties are deeply saddened by the news of Senator Inouye’s passing. To our knowledge he was the last sitting US Senator to oppose the Uniformed Services Former Spouses Protection Act, in the 97th Congress. No other member of Congress has represented our interests, regarding this contentious issue, so well for so long. We will mark this solemn occasion by calling for a moment of silence, on December 17th and on Memorial Day, in his honor.
Suicides
Continued from page 1

halt operations to focus on suicide prevention. “Out of 365 days of the year, we’re taking a day that was otherwise devoted to something else and saying: ‘That’s not as important as this,’” Sgt. Maj. of the Army Raymond F. Chandler III said in a conference call.

“The nation has asked our soldiers to carry a heavy load over the past 11 years, and they have not let us down. But suicide is an enemy we have yet to beat.” At the current pace, the Army’s suicide rate would be its highest yet at 29 deaths per 100,000 people this year. Fort Meade saw six suicides within the past 12 months among its military population of 11,600 people, base spokeswoman Mary Doyle said. Based on those numbers, the rate for Fort Meade would be more than 50 per 100,000 people. Maryland’s suicide rate in 2010, the most recent year for which data is available, was 8.4 deaths per 100,000 people.

Army officials and psychiatrists hesitate to name a single cause for the rise in suicides. “It’d be almost impossible to put one reason to the spike,” said Troy A. Rolan Sr., an Army spokesman at the Pentagon. Dr. Adam Kaplin, of Johns Hopkins School of Medicine, who last year sat in on monthly review of suicide cases at the Pentagon, said the reasons for the rise are complex and numerous. “The fact that we’ve been at war for more than a decade is playing a role, the fact that the economy is bad is playing a role.”

Fisher, who ran Fort Meade’s suicide prevention training, offered many reasons — the extra strain the military puts on relationships, financial woes, drug and alcohol use, and injuries. “We’ve broken a lot of soldiers and sailors and Marines,” Fisher said. “A lot of times, people kill themselves just to get away from the pain.”

Navy Cmdr. Marivic Fields, who is in charge of health promotion on Fort Meade, said five of the six suicides at the base happened within the past nine months. Several people who committed suicide had been facing disciplinary problems, Fields said, exacerbating what researchers say are two main reasons for suicide: feeling like a burden and the loss of connectedness. “It’s still that sense of shame that ‘I’m not worth anything,’” Fields said.

The Army hopes to confront a culture in which mental illness can have a stigma and where, at least in the past, mental health care could have limited access to someone with a security clearance. “What things do we need to change inside of the institution to create this culture where it is a position of strength to ask for help?” asked Chandler, the highest-ranking enlisted person in the Army.

Scott J. Salvatore, a psychologist who commands the U.S. Public Health Service at Fort Meade, said that in 2008, the military stopped asking about mental health care related to combat, grief or marital problems when screening soldiers for security clearances. Yet, he said, the myth remains that seeing a psychiatrist would jeopardize security clearances, and thereby jeopardize careers. “It is a big stigma, and a barrier to those seeking care,” Salvatore said.

The Army regularly has “stand-down” days to focus training on specific subjects, most recently on drunken driving and information technology, said Rolan, the Army spokesman at the Pentagon. The last Army-wide “stand-down” training for suicide prevention was in 2009.

Fort Meade soldiers, along with civilians and leaders, were taught to detect suicide warning signs, then instructed to ask people whether they needed help, to listen and escort them to aid when necessary. “Don’t leave them,” Fisher said. “I don’t care if you’ve got to smoke, if you’ve got to pee. You don’t leave.”

Kaplin, of Johns Hopkins, said the Air Force turned around a high suicide rate in the 1990s, but he questions whether the Army’s campaign will do enough. Successful programs, he said, go beyond delivering help to those who need it and include a sense of accountability from everyone.

Col. John B. Wells, commander of the U.S. Army Claims Service at Fort Meade, said the Army’s culture runs counter to some of the training given Wednesday. “You teach people to be strong and, in the face of adversity, to not show emotion,” Wells said. “Your duty as a soldier is to obey and not talk back, to take orders. There’s little room for you to say that you need help.”

Part of the training addressed that. It focused on resilience, teaching soldiers to be able to bounce back from stress and control their reactions. Learning the warning signs of suicide, Wells said, was a lesson learned too late. Wells’ friend in the Judge Advocate General’s Corps took his own life with a service revolver. Another friend killed himself in law school. And not that long ago, just before school started, a 15-year-old neighborhood boy hanged himself at the playground. Just days earlier, Wells said, he’d wondered if there was something wrong. “I think there were probably signs or signals — something that I should’ve noticed,” Wells said of each death. “But I didn’t think it was my business. That’s kind of weighed on me, in reflection. Should I have been there? Could I have done anything?”

The Army’s training, Wells said, made clear that he should have done something. “I probably should have reacted,” Wells said. “You have a responsibility to the soldier to the left and right of you.”

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These data, provided by DFAS, USCG PSC and PHS PSC, clearly illustrate the negative impact of UNIFORMED SERVICES FORMER SPOUSES PROTECTION ACT provisions on U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, personnel, and NOAA and PHS officer corps personnel.

These provisions clearly create the tension that inspires military divorce actions in target community households. Heightened operations tempo, serves as the catalyst.

Senior enlisted personnel serving in pay-grade E7-10 account for 50% of all USFSPA casualties.

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Domestic Violence -- An Update

By Charles E. Corry, Ph.D.,
F.G.S.A.
President, Equal Justice Foundation

A comment by an attorney at lunch recently provoked the following update on the issue of domestic violence. In effect he stated that the Equal Justice Foundation had “won” the battle against false and unsubstantiated claims of domestic violence. According to him there is not a local defense attorney who isn’t aware that if a defendant simply demands a jury trial that there is a 90-95% probability the charges will eventually be dismissed.

While that may be a “win” for defense attorneys, who can now readily win cases without the trouble and bother of going to trial, most domestic violence cases are not dismissed until the day before or morning of trial, usually four to six months after the arrest. In the interim typically the marriage or relationship is destroyed, the children are traumatized or placed in foster homes, jobs and homes are lost, and the defendant (man or woman) is left destitute and often homeless. Suicides and murder-suicides are an all too common adjunct as well. However, the attorneys are enriched. I hardly call that a “win” for citizens and the public weal.

In Colorado “domestic violence” was always an add-on charge, or sentence enhancer, to any other crime. Cussing and swearing, never polite, now became criminal harassment in the presence of a woman. Writing a description of her, no matter how accurate and justified, also became a criminal act. So much for freedom of speech.

On the federal level, in 1996 the Lautenberg Amendment to the Brady Gun Control bill made it a federal felony for anyone convicted of misdemeanor domestic violence or who was restrained under a domestic abuse order to purchase or possess any gun or ammunition.

Perhaps the saddest result of VAWA and its attendant misandry is the effect it has on wounded veterans.

Since the beginning of seemingly endless and futile wars in 2003, more and more veterans have returned from combat with post traumatic stress disorder (PTSD). And traumatic brain injuries (TBI) are the signature wound of these wars as body and vehicle armor now allow troops to survive in conditions that would have been fatal in previous conflicts. And PTSD is an almost inevitable companion to TBI.

Characteristic symptoms of post traumatic stress are:

- Dissociation from actual events and no memory of them;
- Nightmares often accompanied by kicking and fighting in one’s sleep;
- Irrational anger or irritability accompanied by emotional or violent outbursts;
- Anxiety and need for unconditional control of almost every situation in order to feel safe;
- Panic attacks and hyperventilating;
- Social withdrawal and fear of crowded places;
- Hypervigilance;
- Flashbacks to the event(s); and
- An exaggerated and often violent startle response.

Some obvious steps could readily be taken to end the most odious aspects of the current dogmatic laws:

* Base domestic violence laws on the data, not emotions, feelings, or radical feminist ideology and dogma;
* End warrantless mandatory arrests to save lives and reduce violence;
* Eliminate “no drop” prosecution requirements so that district attorneys have more flexibility in dealing with domestic violence cases;
* Listen to the “victim” and design the response to fit the circumstances;
* Design programs to deal with couples who are mutually combative, about half the cases based on scientific surveys;
* Limit criminal domestic violence law to actual crimes of violence rather than an add-on charge to any and all crimes as is presently the case;
* End the presumption that all men are batterers and all women are victims and make the laws and police, court, treatment provider, and all other trainings gender neutral with the stipulation that women are as violent, or more violent, than men in intimate relationships;
* Treat the mental health problems such as narcissism, borderline personality disorder, bipolar disorder, schizophrenia, or the other disorders that are commonly found to occur in association with violent or emotionally-abusive relationships as health problems, not crimes;
* Treat war and accident injuries such as PTSD and TBI as injuries, not crimes;
* Women, or men who are in actual danger from their intimate partner should and must be provided a safe shelter rather than a piece of paper claiming to be a protection order that doesn’t stop a bullet;
* Audit existing shelters and ensure they are serving men, women, and children of all ages only for the purposes they are funded for as many currently do not;
* End ex parte restraining/protection orders as they are duplicative in divorce/dissolution cases and due process in other cases would save many lives.

While there is still hope for the preservation of marriage, which lies at the base of our civilization, we can, and must fix the problem, not the blame!
Uniformed Services Former Spouse Protection Act (USFSPA) reform proposals for the 113th Congress

Goal: Identify and correct these USFSPA inequities
- Insert “unremarried” before “former husband or wife” in 10 USC 1408(a)(6). This aligns US FSPA with other federal employee FSPA provisions and eliminate significant military divorce action by state jurisdiction.
- Delete “retainer pay” in 10 USC 1408(a)(7). This authorizes the Pentagon to define retainer pay, specifically, as current compensation for indefinite services, provided by subject personnel, to their service chief.
- Relocate 10 USC 1408(c) to the Service Member’s Civil Relief Act (50 USC App 501 Et Seq). This adds clarity to the subject referenced cornerstone section of the US Code.
- Eliminate all but the first 20 words, in 10 USC 1048(d)(1) from language in 10 USC 1408(d). This preserves DFAS authority to enforce military divorce action aliment and child support orders and eliminates the mistaken notion that military retired pay is jointly earned marital property by another name.
- Provide reciprocal protection for military personnel who are abused by their dependent military spouses in 10 USC 1408(h). The Cox II commission advised key members of congress and pentagon officials, regarding this inequity. We are not aware if they ever responded.
- Replace the term “RETIRED” with “INDEFINITE” on the DD FORM 2 issued to qualified military personnel. This change will officially acknowledge and reinforce the spirit and intent and US Supreme decision, regarding the military rules and regulations that govern the lives of subject personnel.
- Subject dependent military spouses (who hold the DD FORM 1173 privilege and ID card) to UCMJ provisions. The need to hold all members of the military family to the same legal standard is patently obvious to all but the target audience.
- Require jurisdictions to resolve all USFSPA related issues in the final divorce decree. Kniss v Kniss accomplished this mission, in a California jurisdiction; it was subsequently de-published.

Objectives:
- Encourage and authorize DoD unit commanders to adequately brief all in-processing personnel, regarding USFSPA provisions and their possible implications to a military career and tragic service personnel suicides.
- Call on the 113th Congress to hear supporting and opposing arguments, regarding the USFSPA provisions, prior to the markup of the 2014 National Defense Authorization Act.
- Identify members of Congress who are “ready, willing and able” to address the current problems that exist for all parties that currently exist within the USFSPA.

The Death of Peter Wielunski
By Robert M. Morgenthau

For every soldier killed in combat, 25 veterans are dying by suicide. It’s time to broaden efforts against PTSD. During the Civil War, they called it “soldier’s heart.” In World War I, doctors called it “shell shock.” In World War II, the war I served in, we called it “battle fatigue.” Now we know it as post-traumatic stress disorder, or PTSD. The name may have changed, but one thing is clear: It is reaching epidemic proportions among our soldiers and veterans.

According to a Veterans Administration report released this March, current or former military personnel represent an estimated 20% of all known suicides in the United States - that’s more than 7,000 veterans and service members each year. For every soldier killed in combat, 25 veterans are dying by suicide.

Peter Wielunski was one of those veterans. His story is tragically typical of what is happening at VA facilities across the country. In May, the 63-year-old Vietnam veteran hanged himself with a cord from a window shade in front of the doors of the psychology department of the VA New York Harbor Healthcare System’s St. Albans Community Living Center in Queens, N.Y.

Mr. Morgenthau, Manhattan district attorney from 1975 to 2009, is of counsel with the law firm of Wachtell, Lipton, Rosen & Katz.

The Coalition of Parent Support echoes Mr. Morgenthau’s concerns but also believe that the adversarial experience of family court is the root cause of a good percentage of suicides, both military and civilian. Returning soldiers face an unusually high divorce rate on top of other difficulties. A more conciliatory and even-handed approach to divorce and child custody might help avert the suicides of many veterans.

Find your NMVA delegate’s contact information at http://nmva.us/?page_id=7

Annual Member Conference
If 70 or more ARA members express interest in attending this event it will be re-established. We are including this question and provided a space for you to indicate your preferred venue on the ballot included in this edition of our newsletter

How to contact those who represent your interests in Congress
Call (800) 862-5530 or (866) 220-0044, toll-free, the Capitol Operator will answer: Simply ask them to connect you to your elected U.S. House or Senate representative(s) or a cognizant committee member.
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