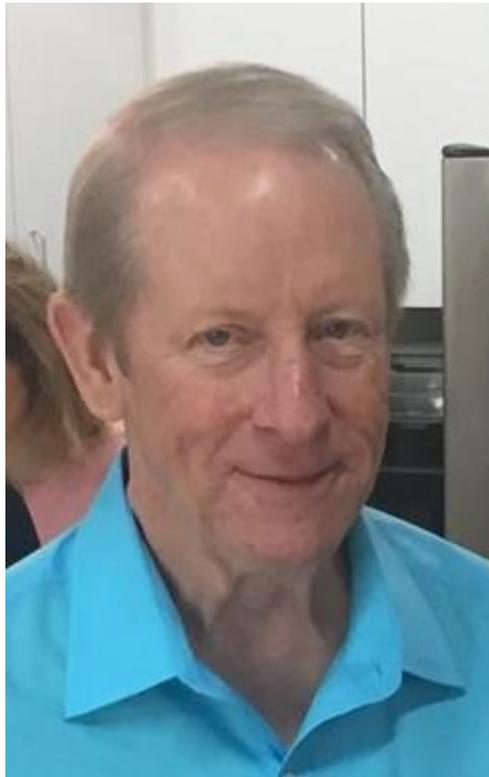


Commanders Corner, October 2020

There were no October 2020 Executive Board and Post meetings due to restrictions on social gatherings related to the COVID-19 outbreak; Post and Executive Committee meetings are suspended until further notice. The South Montgomery County Community Center has advised that they will remain closed through December 31, 2020. We will advise if there are any updates.

The COVID-19 pandemic has curtailed our activities. I encourage you to continue to use good judgment in your upcoming activities. Please follow the guidelines for mask use and social distancing.

I have the sad news to report that one of our most distinguished members and current Service Officer on our Executive Committee passed away in October, 2020.



OBITUARY

Toby Carroll

NOVEMBER 14, 1945 – OCTOBER 17, 2020

Eugene Anthony Carroll Jr. known by many as Toby, 74, of Spring, TX,
passed away October 17, 2020.

Toby was born in Princeton, New Jersey on November 14, 1945. Toby is survived by his wife of 51 years, Kathy; his children Erin (Eric) Austin, Timothy (Teresa) Carroll, and Shanna (Oscar) Trevino; grandchildren Caitlin and Tyler Naron, Madison, Mikayla, and McKenna Carroll. Toby is preceded in death by his parents; Eugene A. Carroll Sr. and Ann Carroll; his brother David Carroll and sister Connie (Carroll) Benson.

Toby graduated as a Distinguished Military Graduate from the four-year ROTC program at Marquette University with the distinction of being the first cadet to complete the flight program prior to graduation. He was commissioned as an officer in the United States Army in 1968 and served in the Vietnam War as a fixed-wing pilot. While serving in Vietnam, he was awarded the Distinguished Flying Cross, Air Medal with 14 Oak Leaf Clusters, Bronze Star and Army Commendation Medal with Cluster. Following active duty, he served many years with the Reserves and National Guard and attained the rank of Major. In addition to his military service, Toby spent over 40 years as an aviation safety professional with the government and airlines.

Toby was a member of St. Edwards Catholic Church and a 4th Degree Knight with the Knights of Columbus St. Edwards Council 14512. He was also an active volunteer with The Woodlands VFW Post 12024 and The Woodlands American Legion Post 305.

In lieu of flowers a memorial donation can be made in Toby Carroll's name to a charity of your choice.

Toby was one of my mentors as I became more active in the Post after my retirement. He and other members of the Post leadership guided me as I progressed from Sergeant at Arms to becoming Commander in 2018. That was a big leap for me and Toby was instrumental in helping me to familiarize myself with my duties. I referred many phone calls to our Post to him from veterans and family members who were trying to navigate through claims to the VA and clarify other issues relating to their military service. Toby always followed through and helped in whatever way he could. He kept us informed of all the annual changes to documents and other information available from District, Division, State and National levels and was diligent in obtaining hard copy of manuals and guidelines that he would make available at our meetings.

Anytime I needed to call for volunteers for an activity Toby would always respond. I recall when we temporarily moved our meeting venue to St. Simon and Jude Catholic Church we offered to power wash a portion of their concrete walks. Toby immediately said he would help. It was a messy job and Toby wrestled the power washer for a good part of the day and got thoroughly soaked without any complaint.

He was a mentor and he also became a good friend. I will miss him.

I recently watched a film called “Stop-Loss” (2008) which portrayed a U.S. government policy whereby active duty military service persons can have their active duty service and assignment involuntarily extended beyond their normal contracted active duty period. The movie is about young army soldiers from Brazos, Texas who, after returning from a brutal combat tour in Tikrit, Iraq and expecting to be mustered out, are instead ordered to be reactivated and sent back to Iraq. The film was stark and controversial and not a commercial success. I suspect that the events depicted might be difficult for the average public but I think you military veterans from WWII all the way to the current Iraq/Afghanistan conflicts would understand.

I wasn't familiar with this policy but it has been addressed in public media but certainly not to a great extent. I decided to find out more about it. I have reproduced below what I found on Wikipedia.

Stop-loss policy

From Wikipedia, the free encyclopedia

In the United States military, **stop-loss** is the involuntary extension of a service member's active duty service under the enlistment contract in order to retain them beyond their initial end of term of service (ETS) date and up to their contractually agreed end of active obligated service (EAOS). It also applies to the cessation of a permanent change of station (PCS) move for a member still in military service. Stop-loss was used immediately before and during the 1990–91 Persian Gulf War. Since then, it has been used during deployments to Somalia, Haiti, Bosnia, Kosovo and after the September 11 attacks and the subsequent campaign against terror.

The policy has been legally challenged several times. However, federal courts have consistently found that military service members contractually agree that their term of service may be involuntarily extended until the end of their obligated service.

Definition

Stop-loss was created by the United States Congress after the Vietnam War. Its use is founded on Title 10, United States Code, Section 12305(a) which states in part: "... the President may suspend any provision of law relating to promotion, retirement, or separation applicable to any member of the armed forces who the President determines is essential to the national security of the United States" and Paragraph 10(c) of DD Form 4/1 (The Armed Forces Enlistment Contract) which states: "In the event of war, my enlistment in the Armed Forces continues until six (6) months after the war ends, unless the enlistment is ended sooner by the President of the United States."

Every person who enlists in a branch of the U.S. Armed Forces signs an initial contract with an eight (8) year service obligation. The enlistment contract for a person going on active duty generally stipulates an initial period of active duty from 2 to 5 years, followed by service in a reserve component of the Armed Forces of the United States for the remainder of the eight year obligation.^[1] Service members whose ETS, retirement, or end of service obligation date falls during a deployment may be involuntarily extended until the end of their unit's deployment.

Controversy

The controversy regarding stop-loss focuses mainly on the aspect involving "involuntary extension" of a service member's initial active duty service obligation. For service members opposed to

involuntary extension, it represents implementation of a desultory clause in their contract which alters their expectation of an end of term of service date. It also exposes them to the risk of an additional or prolonged combat deployment. For opponents of a current armed conflict, the public perception of "involuntary extension" is contrary to the notion of voluntary service and undermines popular support for the conflict.

In a campaign speech in 2004, then-presidential candidate John Kerry described stop-loss as a "backdoor draft." The use of stop-loss has been criticized by activists and some politicians as an abuse of the spirit of the law, on the basis that Congress has not formally declared war.

During August 2007, Iraq Veterans Against the War, an activist organization of former and current service members, announced a national "Stop the Stop-Loss" campaign at a press conference where they were holding a week-long vigil in a tower erected on the National Mall in Washington, D.C. Other anti-Stop-Loss vigils have occurred in Bellingham, Washington, and Colorado Springs, Colorado.

On March 10 and 11, 2008, a group of college students, from the organization Our Spring Break, supported by Code Pink and Iraq Veterans Against the War, as well as several other organizations, issued symbolic stop-loss "orders" to every member of both the United States House of Representatives and the United States Senate in protest of both the practice of stop-lossing, and of the Iraq War. On March 12, 2008, the students "enforced" the orders by blocking off the exits to the parking garages of the Rayburn House Office Building and the Hart Senate Office Building.^[3]

Legal challenges

The first known legal challenge in American history to the involuntary extension of a soldier's enlistment contract occurred during the American Civil War, when Private Edward A. Stevens filed suit against the federal government for extending his three-month enlistment. The prosecuting party for the government was Edwin Stanton, Secretary of War. Stevens lost the suit and was confined for "mutinous conduct" for a brief period of time.

Apparently the first time a court decision mentioned the Pentagon's stop-loss policy was in the 1991 decision in the case of Craig L. Sherman. Sherman was a sergeant in the U.S. Air Force under an enlistment contract that explicitly limited his active duty service to four years. But, in 1990, at the commencement of Operation Desert Storm, President George H.W. Bush issued Executive Order 12722, declaring a national emergency, and Executive Order 12728, which delegated to the Secretary of Defense, who could re-delegate further, the President's authority under 10 U.S.C. § 673c, authorizing the President to suspend any provision of law relating to military retirement or separation of anyone determined to be essential. It was pursuant to this provision and Executive Order that Craig was, after some confusion, ordered to Saudi Arabia. He filed a petition for habeas corpus, based on 50 App. U.S.C. § 454(c)(1), which forbids involuntary extensions of enlistments unless *Congress* (not merely the President) declares war or a national emergency. The Court noted that Craig was relying on 50 App. U.S.C. § 454(c)(1), while the government was relying on 10 U.S.C. § 673c, the two provisions apparently in conflict. The Court sided with the government, primarily on the ground that 10 U.S.C. 673c was enacted more recently than 50 App. U.S.C. §454(c)(1), based on the presumptions that Congress was aware of the earlier law when it enacted the later law, and that the later law effectively amended or repealed the earlier law notwithstanding the sections were in different locations in the codification. Further, the Court was reluctant, when the provisions were in evident conflict, to impair the President's ability to respond to a matter of national security.

The first legal challenge to the contemporary stop-loss policy came in August 2004, with a lawsuit challenged by David Qualls, a National Guardsman in California. Qualls argued the military breached his enlistment contract by involuntarily extending his term of service. However, his arguments were rejected by Judge Royce C. Lamberth and the case was dismissed. Qualls' case was not appealed.

In October 2004, a "John Doe" lawsuit was filed by an anonymous National Guardsman facing stop-loss, challenging the validity of the law that authorized it. This suit was dismissed at trial by Judge Frank C. Damrell and the court's findings were upheld by the Ninth U.S. Circuit Court of Appeals. The Ninth Circuit also rejected another similar appeal in *Santiago v. Rumsfeld* in May, 2005.

Government response

The former Secretary of Defense Robert Gates, as one of his first acts in his position (he assumed the office December 18, 2006), penned a memo compelling commanders to "minimize" the stop-lossing of soldiers.

The United States Army states that enlisted soldiers facing stop-loss can now voluntarily separate by request, under provision 3-12, but only after they complete an involuntary deployment of twelve to fifteen months and 90 days stabilization time (time allowed to "out-process" from the military) can they apply.

This refers to an Army policy dated Sept. 5, 2002. It allowed enlisted soldiers under stop-loss to voluntarily separate on the first anniversary of their original expiration of service or ETS date (under twelve-month stop-loss); officers and warrant officers, not retirement eligible, to apply to leave one year from the end of their original service obligation date; officers and warrant officers without a service obligation to request separation 12 months after they were first affected by stop-loss; and retirement-eligible soldiers to apply for retirement one year from their original retirement eligibility date (defined as 20 years active federal service) or one year from when stop-loss took effect if the soldier was retirement eligible on the effective date of stop-loss.

Despite Secretary Gates's order, by April 2008 use of stop-loss had increased by 43%. Soldiers affected by stop-loss were then serving, on average, an extra 6.6 months, and sergeants through sergeants first class made up 45% of these soldiers. From 2002 through April 2008, 58,300 soldiers were affected by stop-loss, or about 1% of active duty, Reserve, and National Guard troops.

Reduction in the use of stop-loss

In March 2009, Gates ordered a deep reduction in the number of personnel affected by the stop loss policy, announcing a goal "to reduce that number by 50 percent by June 2010 and to bring it down to scores or less by March 2011."

One of the topics I am interested in is news about our MIAs. Below is a link to a website (Defense POW/MIA Accounting Agency) that documents recovery of MIAs:

<https://www.dpaa.mil/News-Stories/Recent-News-Stories/>

This is an impressive website that showcases the diligence this agency pursues in accounting for our MIAs.

Some interesting military news from: <https://www.military.com/daily-news>

VA Falls Short on Providing Specific Health Care to LGBT Veterans, GAO Report Finds



A veteran rides during the San Francisco Pride Parade and Celebration 2019 on June 30, 2019 in San Francisco, California. (Photo by Arun Nevader/Getty Images)

26 Oct 2020

Medill News Service | By Arnab Mondal

The Department of Veteran Affairs can't systematically analyze the health of LGBT veterans because it doesn't consistently collect data on sexual orientation or self-identified gender identity, according to a recent report by the Government Accountability Office.

The VA's Veterans Health Administration analyzes national-level data by birth sex to assess health outcomes for veterans -- for example, analyzing frequency data to identify the most common health conditions.

However, VHA is limited in its assessment of health outcomes for the lesbian, gay, bisexual and transgender veteran population because it does not consistently collect sexual orientation or self-identified gender identity, or SIGI, data.

VHA officials told the GAO that veteran health care providers may record veterans' sexual orientation in non-standardized clinical notes in electronic health records. However, without a standardized field, providers may not be consistently collecting this data. VHA does not know the total number of LGBT veterans in its system, the report found.

VA spokeswoman Christina Noel said that in July 2020, VA updated its Survey of Healthcare Experiences of Patients Program to include questions asking veterans to self-report their sexual orientation and gender identity, which will help the department better assess LGBT Veterans' health care outcomes and patient satisfaction.

"Every VA medical center has LGBT Veteran Care Coordinators and VA offers extensive educational resources for staff on the unique health care needs of these veterans," she said.

However, VHA's electronic health record system, the Computerized Patient Record System, does not have a standardized field for providers to record SIGI information like with sex and race, and VHA does not know how many records contain sexual orientation data. Federal internal control standards call for management to obtain relevant data on a timely basis.

According to VHA officials, the absence of such a standardized sexual orientation field in CPRS is due to a system created many years ago when society greatly stigmatized lesbian, gay, and bisexual identities, and the military still had a ban on service by openly gay or lesbian personnel. That policy, "Don't Ask, Don't Tell," was overturned in 2010.

Until VHA is able to consistently collect this information, providers' ability to deliver appropriate care may be affected, which could also hurt veterans' health outcomes. For example, VHA researchers told the GAO that lesbian, gay, and bisexual veterans risk a higher likelihood of suicidal thoughts compared with their heterosexual peers. The researchers also said that without consistent sexual orientation data, their work was limited to small samples.

As a system originally designed to serve mainly men, VHA has reported that it has struggled in the past to provide sufficient sex-specific services and an environment of care sensitive to women's privacy needs.

Jennifer Dane, a former Air Force intelligence analyst and the interim executive director of the Modern Military Association of America, a LGBTQ veteran rights advocacy organization, said a non-standardized documentation system puts LGBT veterans at risk from discrimination at the hands of providers.

"For example, if you're transgender and are seeking hormone replacements, the VA won't cover your costs if you are not documented as a transgender on the system," Dane said.

And though the policy barring gay and lesbian service members is no longer on the books, VHA acknowledges that these veterans may still face barriers to equitable health care, or experience

stigma, prejudice, discrimination, and violence, which may affect the care they receive and their health outcomes.

Dane said that, while there was a lot of room for improvement by the VHA, it has made some progress. In 2012, the VA created the LGBT Health Program, which provides policy recommendations, provider education programs, and clinical services to support personalized health care for LGBT veterans.

VHA policy notes that all people have both a gender identity and a sexual orientation. Furthermore, according to VHA, while LGBT individuals may share similar experiences of stigma and discrimination, those who are lesbian, gay, and bisexual may have different health concerns than those who are transgender. In 2017 and 2018, VHA issued updated directives on collecting data on veterans' sexual orientation and SIGI.

