

Appendix C: Two true stories of religious discrimination onboard USS ANZIO

1. Navy Chaplain punished for requesting Kosher meals to feed hungry Jewish Sailor. Has Totalitarian Pluralism created anti-Semitism onboard USS ANZIO?

Petty Officer Third Class B.N. (GM3) is a top-rated Sailor of the Orthodox Jewish faith, selected as one of our nation's best to become a Navy SEAL and attend BUDS training. I worked closely with GM3 for two years; his shipmates all say he's a hard worker and he's never been to captain's mast. I advocated passionately (at risk of my own career, apparently) for my command to accommodate his religious needs, and several times I invited him to teach Judaism to my Protestant Bible study.

GM3 requested Kosher Meals Ready to Eat (MRE's) underway, so he wouldn't have to eat food prepared in the non-Kosher galley, and I was happy to help, requesting guidance from the CAPT Chaplain J.P. at Surflant and an O-4 Rabbi Chaplain, who quickly endorsed our request via email. The O-4 Rabbi Chaplain wrote me in an email on 5 Dec 03, "Sir, are to be complimented and blessed for upholding the Highest principles of the Chaplain Corps. There are only 7 rabbis in the Fleet, but with chaplains such as yourself, Jewish Sailors are in good hands."

CAPT Chaplain J.P. then directed me to advocate with my Supply Officer (Suppo) for a religious accommodation waiver, to procure the special Kosher meals from Suppo's counterparts at Surflant Food Services. But then CAPT Chaplain J.P. moved to Florida, and CAPT Chaplain Steve Gragg took his desk at Surflant.

Our O-4 Suppo and his Chief Cook were eager to help, and personally requested telephone authorization for the Kosher MRE's from their Food Chain at Surflant, a Master Chief also eager to help. But the Master Chief needed info on what specific meals GM3 wanted, so our Chief Cook gave me the Master Chief's email address at HQ, and asked me to forward up the product data, which I did. It took over a month to hear back, and Suppo and I checked a few times, but the Master Chief finally emailed me asking where to find references to any applicable Navy instructions on religious accommodation, that could help him justify our request for Kosher MRE's. I replied to this seemingly routine request for religious guidance (which the Surflant Master Chief sent to me instead of the Surflant chaplain), by sending the web-links and verbiage from SECNAV Instruction 1730.8A, para 6, authorizing religious accommodation for religious meals, which states:

6. Dietary Observance. Enlisted personnel normally will be subsisted in kind, but MAY BE AUTHORIZED SEPARATE RATIONS within the guidelines of reference (d) DoD Pay Manual. In acting on requests for separate rations, the religious doctrines and traditions of the member's religious faith should be considered on the same basis as other personal reasons for separate rations.

I copied Suppo on these emails, Suppo and I talked about this regularly, both of us trying to advocate for GM3 with Suppo's counterpart at Surflant, as CAPT Chaplain J.P. and the O-4 Rabbi told us to do.

Next thing I knew, CAPT Chaplain Steve Gragg called me on the telephone, very upset I was advocating for my Jewish Sailor without his permission, (when I was directly following the orders of his predecessor). He summoned me to an immediate meeting that afternoon at Surflant, with him and the Master Chief from Food Services. I notified my XO (LCDR R.B.) and my CO (CAPT James M. Carr) that I'd been summoned to a meeting at Surflant, and emailed to them and CAPT Chaplain Gragg copies of my previous authorization from CAPT Chaplain J.P. and the O-4 Rabbi to pursue the Kosher MRE's. My CO CAPT James Carr got mad, wrongly imagining I'd scheduled this

meeting at HQ without his approval, when I didn't schedule it, I was ordered to show. My CO then asked why I was trying to order Kosher MRE's without his permission, when all along I had his O-4 Supply Officer's permission. The two angry O-6's wanted briefings on why I was causing a stir, when really they were the only ones stirred up about this, because although I did get written authorization before requesting the Kosher food, I didn't get it from them personally.

Never previously had I been forbidden to speak with my Chaplain counterparts at Surflant, and never previously had Suppo been forbidden to speak with the Master Chief at Food Services. Such trivial communications were routinely delegated by the CO, to keep the small stuff off his plate. Not this time.

My CO rebuked me in writing for advocating for my Jewish Sailor, stating in his Letter of Instruction (Appendix D): "On 09Mar04, you scheduled a conference with the CNSL and CFFC Chaplains complaining of the lack of kosher rations available onboard ANZIO. In doing so, you misrepresented the Command concern for this issue, stating that the command supported your position, when you had not in fact discussed it with either the Commanding Officer or the Executive Officer...." First, I didn't schedule the meeting, I was ordered by headquarters to attend. Second, I really did get command authorization, from our O-4 Supply Officer. The CO's basically saying his two service academy graduate department heads can't justify placing a food order without his help.

He continued, "...The issue was easily resolved once the Commanding Officer became involved, but only after senior leadership in the Navy Chaplain Corps [i.e. CAPT Chaplain Gragg] gained an (incorrect and unwarranted) impression of unrest or dissatisfaction within ANZIO concerning the issue." No Jewish unrest within ANZIO? Apparently he didn't think there was any unrest when GM3 couldn't eat. Easily resolved once the CO got involved? He didn't personally do anything to help, except reluctantly approve our requests after getting angry about it. And the issue's still not resolved; it only got worse, because then CAPT Carr's command began persecuting GM3's Jewish faith in other ways, as described following.

I attended the meeting with CAPT Chaplain Gragg, and the Master Chief at Food Services who was still eager to help us, but now CAPT Chaplain Gragg said the email authorization I'd obtained from his predecessor and the O-4 Rabbi wasn't good enough, rather he wanted me to escort GM3 to a personal 'sincerity test' interview with a different O-5 Rabbi Chaplain, to see if GM3 *really* needed to eat Kosher food. (I couldn't imagine why we didn't just take GM3's word for it.) But I complied and took GM3 to see the O-5 Rabbi Chaplain for a 'theological litmus test,' and that interview was disappointing.

Observing the conversation between my Orthodox Sailor and the (comparatively Reform) Jewish Rabbi O-5 Chaplain, I was surprised to hear the Rabbi criticize GM3 for wanting to be a little 'too strictly observant,' saying that when this Rabbi served onboard the aircraft carrier, the Jewish community often had to compromise on what they ate. Without calling BUDS to ask, the Rabbi told my Sailor his Kosher Diet could never be accommodated by the SEALS or at BUDS, (when they eat MRE's more than we do). GM3 sadly withdrew his nomination to become a SEAL, stating that his faith was too important to compromise.

But the Rabbi signed a letter advising my CO to acquire Kosher MRE's if possible (only one meal per day, and then only to be eaten at sea, while GM3's pay is docked for three meals a day, year-round, in-port and at sea). The Supply Officer and I briefed our CO, who begrudgingly let us order a few Kosher MRE's, and we even talked him into spending \$50 of ship's budget on a 'Kosher-only' microwave, which I stored in the Chaplain's office.

But GM3 continued to lose his motivation to remain in the Navy, which had only accommodated him after great hassle. Having served honorably, during wartime, for 3 years of a 4 year enlistment, GM3 became discouraged that his other religious needs would never be met. He increasingly traveled to New York City and attended the strict Orthodox teachings of the Chabad Lubavitch, and worried that if he remained in the Navy he'd break more of G-d's laws, especially by not strictly keeping the Sabbath, not strictly keeping Kosher, and not growing an Orthodox beard. The O-5 Rabbi Chaplain had already told us strict observances would never be allowed in the Navy, but I promised GM3 I'd advocate for him as best I could.

I negotiated with his Chief to get him Saturdays off, and GM3 agreed to work Sundays to make up for it. But that Chief never scheduled it for him, and often GM3 had to bribe his shipmates \$100 per day to cover for him on Saturdays (to my horror), this despite the fact I gave his Chief a photocopy of Navy regulations directing leaders to schedule Sunday trades for Saturday Sabbath-keepers. When another Chief from another ship yelled at GM3 for wearing his yarmulke on the mess decks in uniform, the XO and I passed along the SECNAV Instruction authorizing Sailors to wear it. When GM3 was written up by yet another Chief for sleeping during Saturday training, I went to the XO and the XO agreed to rescind his disciplinary chit. XO kindly now directed the Watch Officer to regularly schedule Saturdays off for GM3, (but not always Friday night after sunset as Orthodox Sabbath keeping requires). And GM3's Warrant Officer told him he'd still have to shoot guns on Saturdays if they were short-handed. GM3 relented to this; he wasn't completely stubborn, just asking for as much help as possible.

I never counseled GM3 to grow out his sideburns. But when Doc disapproved GM3's request for a no-shave chit to grow a beard (due to a safety requirement to properly fit breathing apparatus in case of fire), GM3 protested on his own initiative, by growing his sideburns longer than uniform regulations allow. This caused great frustration to two Chief Petty Officers who supervised him, and they criticized his haircut during Disciplinary Review Board (DRB) in the Chief's Mess, which convened when GM3's Saturday relief didn't show up for duty, and GM3 kept the laws of the Sabbath by declining to answer his phone when the ship called. Yet concerning his beard, GM3 felt more frustrated than they, for being ordered by the government to violate the laws of G-d, which state in Leviticus 19:27, "You shall not round off the side-growth of your heads, nor harm the edges of your beard."

When our ship ran out of Kosher MRE's during a six week underway, I personally bought GM3 some Kosher groceries with my own money in Scotland. He was very grateful, and consumed them quickly. But it wasn't enough. GM3 left America at 147 pounds, and came back at 130 pounds, and his supervisor commented to me with concern about how GM3 was losing weight. When I later briefed this problem to the CO, he said he thought GM3 was lying about his weight loss, when I'd already confirmed it with his supervisor. I was never so ashamed of my CAPT James Carr's leadership as I was in that moment. GM3 is the most sincere, honest, and religious Sailor I've ever known, in any religion, including my own. GM3 is an example to me of patience and quiet suffering in the face of trials and false accusations. *Nobody* who works with him has ever called him lazy, or questioned his sincerity, because they see him praying daily with shawls, and wrapping leather tefillin straps around his wrists while he prays. But my CO called him a liar for claiming he'd lost weight.

Finally GM3 couldn't take it anymore. When the Career Counselor denied him an early out, he requested Captain's Mast for religious accommodation, and wrote a package requesting 'Best Interest Of The Service' Discharge, so he could move to New

York City and become an Orthodox Rabbi. I called BUPERS, who said these requests are commonly approved for strict Orthodox Jewish Sailors, and he'd likely be granted an honorable discharge with the CO and a Rabbi Chaplain's recommendation. I wrote a letter endorsing GM3's request for discharge, and recommended to the CO we let him leave the Navy. The XO agreed with me; it's time to let this guy go. GM3's civilian Rabbi agreed with me, writing another letter requesting we let him out. As the XO said, "The Navy's drawing down, looking for Sailors to discharge anyway; this guy's a prime candidate!"

But the CO was incensed at my recommendation we let GM3 leave the Navy just one year early. Instead, the CO sent him for more 'theological training' to the Reform Jewish O-5 Rabbi Chaplain, a meeting I wasn't invited to attend. GM3 met the Rabbi without me, and *came to me in tears after that meeting*. GM3 also emailed me,¹ complaining in writing how the Rabbi 'grilled me about making a big deal' instead telling GM3 ways to compromise his Orthodox faith, 'like he has some sort of grudge against Orthodox in general or something, and I am feeling it.' The Rabbi told both GM3 and our CO the Navy was a great place for Jews to serve. (He meant Reform Jews. It's no fun if you're becoming more Orthodox, and you're losing weight because you can't eat, and you're punished for keeping the Sabbath, and punished for growing your sideburns, and persecuted for wearing a yarmulke.) Later that Rabbi told me he'd only have helped more if GM3 actually started growing a beard, 'that's the conscience test we should require—he should be willing to face punishment,' when GM3 had already been to a formal DRB punishment session, yelled at by the Chief's Mess for growing his sideburns.

The Rabbi Chaplain gave our CO a 'deny' recommendation for GM3's request for early discharge, overruling the Civilian Rabbi's letter, essentially telling GM3 he must compromise his faith for an entire year longer. The CO sided with the Reform Rabbi Chaplain, against GM3, against me, against the XO, against the Civilian Rabbi, and CAPT James Carr strongly recommended in writing to deny discharge, begrudgingly forwarding GM3's discharge request up to SECNAV (as is required by policy, or else he'd have stopped it there.) When I again verbally objected, the CO disparaged me for being a bad chaplain, saying "should I tell the Jewish community they can't serve in the Navy? That's bad Public Relations." No sir. Bad P.R. is when the Chabad Lubavitch reads how your command is ordering an Orthodox Jewish Sailor to violate his conscience and the laws of G-d, enforcing upon him all your Navy standards, theologically abusing him, and your Chief's Mess is punishing him for refusing to compromise his faith. That's bad P.R.

GM3 told his civilian Rabbi, who was surprised to hear that GM3's Christian Chaplain was trying to help him more than a fellow Jewish Rabbi Chaplain. And while I personally disagree with GM3's assessment that he's anti-Orthodox, (the Rabbi deserves praise for devoting his life to helping Jewish Sailors), I do offer the possibility he's been at Headquarters defending Navy policy a bit too long, and perhaps just this one time he didn't take enough time to listen to GM3's fervent emotional pain.

I do believe, however, based on his track record and multiple religious abuses cited throughout my white paper, that Commanding Officer CAPT James Carr's personal zeal for Totalitarian Pluralism causes him to suppress any religion that maintains distinctive differences. His pattern of misconduct shows he already suppresses evangelical Christianity, he admits his distaste for extremist religions like Wicca and Paganism, and I think he couldn't tolerate losing one of his Sailors to what he perceives

¹ Email dated 9 Feb 05 in my possession.

is an extreme form of Orthodox Judaism. Instead of advocating for Sailors First Amendment rights to be respected, he feels duty-bound to provide ‘theological mentoring’ to bring these ‘extremist religions’ back under his thumb, as he’s done with me countless times (read my white paper), and continues to do with GM3, forcing him by government punishment to practice Reform Judaism for another full year. His Pluralism has become anti-Orthodox, and his Command has made it Totalitarian.

During my poor fitness evaluation outbrief, my CO verbally cited the O-5 Rabbi Chaplain against me, as yet further proof that I’m not a good chaplain, essentially because I advocated for my Sailor’s religious freedoms to be valued and not suppressed, instead of telling my Sailor to conform theologically like the O-5 Rabbi Chaplain did.

In my negative recommendation for continuation on active duty,² the CO stated I had “inaccurately represented command and Navy positions” because I advocated for my Sailor to get Kosher meals (when I got prior email concurrence from our Suppo, the O-4 Rabbi, and CAPT Chaplain J.P.) CAPT Chaplain Gragg likewise admitted he complained about my requesting Kosher meals without his permission (when I had his predecessor’s permission) in his letter about me to the continuation review board, a letter which he refused to show me, a board that could take away my uniform. My 14 year career as an officer may soon end without retirement, because I tried to get my Jewish Sailor some food from headquarters, when he was hungry and losing weight.

While I tried to help GM3, my CO called GM3 a liar for losing weight, writing there was no unrest in his command about the issue,³ then documenting my request for Kosher food against me as grounds I should be denied continuation on active duty,⁴ when SECNAV Instruction 1730.8A directly authorizes his religious food needs be accommodated. This is the crazy world in which I live.

Today my Orthodox Jewish Sailor is suffering quietly onboard ANZIO under the theologically oppressive leadership of CAPT James Carr, while his Reform Rabbi O-5 Chaplain sits at headquarters and never visits. This while I, the only Chaplain GM3 still considers his advocate, was removed from the ship early, and am being recommended for discharge from active duty, because I don’t fit in ‘theologically’ with senior chaplains who suppress religious freedom, while I advocate for Sailors. Since I left, GM3 again went underway for six days without Kosher meals, which the food chain is slow to provide. I am removed, and GM3 is alone without an advocate onboard, daily being ordered to violate his Orthodox faith, and punished for his religious protest, by a CO with a pattern of religious abuse toward his Sailors, who’s about to make Admiral. Something’s got to be done. Somebody please help.

P.S. GM3 helped me write the above story, he agrees it’s all true, and he told me he’s willing to testify to its truthfulness under oath in court. But later he asked his chain of command their opinion about helping me tell his story to others, and after consulting them he immediately called me saying he was afraid to receive a dishonorable discharge if he filed a grievance against the command. Who told him that? Ask him under oath.

² Appendix G.

³ Appendix D.

⁴ Appendix G.

2. Another Equal Opportunity Discrimination case against CAPT Carr and USS ANZIO, with religious themes: The True Story of Seaman J. H.

Seaman J. H. is another Sailor abused by CAPT Carr's command USS ANZIO, advised by an equal opportunity representative to write his congressman (which he's now doing) and file an equal opportunity complaint against ANZIO and the Naval Journalism A-school, both of whom the base JAG also agreed had violated Seaman J.H.'s contractual enlistment rights and discriminated against him. Seaman J.H. declined to exercise his rights to a lawsuit or a Physical Evaluation Board, in exchange for an honorable discharge for medical reasons, his medical problems and psychoses actually caused by ANZIO's injustice and mistreatment, as determined by a Navy O-6 CAPT Psychiatrist who investigated his case, and ordered Seaman J.H. removed from the abusive command. *The Psychiatrist told J.H. this was the first time in his long Navy career he had ever taken such a measure.* J.H. was honorably discharged and continues full medical VA benefits to treat his medical condition, which he didn't have before serving on ANZIO.

Seaman J. H. was very religious, and came to me for advice many times during his 10 months onboard. He'd been separated from Journalism A-school (after completing 8 months of a 9-month school), washed out because of a voice defect, since his quasi-British accent couldn't pass the radio portion of the school's voice test. I verified this fact with JOCM Butts at the schoolhouse, and he admitted to me their policy is discriminatory (unlike Army and Air Force policies), and they'll someday get around to changing it, to require the voice test *before* admission to the school. So Seaman J. H. washed out due to a physical handicap, and was sent to Deck Division on our ship, the hardest, most physically demanding job possible for any young Sailor, to serve at least 18 months.

After just a few months, Seaman J.H. strained under the pressure. He showed his enlistment contract to three officers in his chain of command (BMC, 1st LT, OPS), and highlighted the section stating he was immediately entitled to another A-school (getting him out of Deck), because his failure from Journalism school was based on a physical defect, not a moral or performance failure. But the three officers hated the idea of letting any Sailor out of Deck for any reason, so for months they intentionally ignored and suppressed Seaman J.H.'s pleas to honor his contract. One officer told him, "It's not that we can't help you, it's that we're not willing to" because of a manpower shortage.

I advised him to show his contract to the base JAG, which he did. The Base JAG agreed with him, and told ANZIO they were legally obligated by contract to immediately grant him another A-school. But these same officers had ignored the chaplain's advocacy for Seaman J.H., so it didn't surprise me when they also ignored the Base JAG too. I told the XO, who delegated the problem to the Admin Officer, who never followed through with the Group JAG to get a second legal opinion, despite Seaman J.H. repeatedly bugging Admin to do as the XO directed.

Meanwhile I offered to send Seaman J.H. to Religious Program (RP) Specialist A-school, and he volunteered to go. But the three officers in his chain of command cornered him in a room and aggressively talked him out of it, telling him RP was a worthless rate (too religious?), and directly lied to him, promising to somehow make him a journalist again (which they never lifted a finger to attempt, but used this false promise to keep him in Deck Division).

Months passed, and ANZIO never sent Seaman J. H. to any A-school, as his contract entitled him. When he took the paper test to 'strike' for Journalist, his test was rejected by the Bureau of Personnel as ineligible, because Ship's Admin messed up his

paperwork, and his officers failed to ensure his eligibility to take the test they promised he was eligible to take.

Seaman J.H. sank into a deep depression and exhibited panic attacks. CAPT Carr personally interviewed Seaman J.H. about why J.H. didn't seem to enjoy serving onboard his ship. BMC sent Seaman J. H. to the base psychiatrist, (a Navy Captain), who investigated and medically determined that the Navy's injustice actually caused his psychoses. Seaman J.H. was immediately removed from the ship by doctor's order, and sent to shore duty for his final 6 months in the Navy.

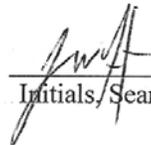
ANZIO's 1st Lieutenant drafted a poor performance evaluation for Seaman J. H., not because he'd ever been to DRB, XOI or Captain's Mast (because he hadn't), only complaining he side-stepped his chain of command (who ignored his pleas for justice) by seeking counsel with the Chaplain. The 1st Lieutenant also punished his Deck Seaman by yelling at him (for exercising his Constitutional First Amendment right to speak with a Chaplain) and documenting J.H.'s seeking help from the Chaplain as a performance deficiency. But the Operations Officer wisely deleted that remark from his evaluation before signing it. (But I got copies, before and after.)

After J.H.'s removal from the ship, when I told CAPT Carr his story had been verified by the Master Chief at the Journalism A-school, the base JAG, the O-6 Psychiatrist, and an equal opportunity specialist, so far as each understood the facts, CAPT Carr said he was too busy and too angry to look into it, and he didn't like how Seaman J. H. couldn't stand up straight. Again he said I'd been duped by a liar, implying I was a bad chaplain for coming to such a Sailor's aid.

But I'd rate Seaman J. H.'s personal integrity higher than most of the officers I know. He's a fine young man, truly discriminated against, the officers of CAPT Carr's informed leadership fully to blame, all of whom ignored my advice, the Navy really did break his contract, and today Seaman J. H. is honorably discharged for medical reasons, his injuries caused by ANZIO. Today J.H. is finally writing his congressman, *of his own initiative, not at my prompting.*

J.H. was mostly persecuted for wanting his contract honored to become a Journalist, partly persecuted for volunteering to attend A-school as a Religious Program Specialist, partly persecuted for seeking the chaplain's help. And the CO directly disparaged the chaplain for helping him, yet *another* strike against my proficiency in CAPT Carr's mind, as he stated to me that day, in so many words. (Written by Chaplain Gordon James Klingenschmitt, with Seaman J.H.'s assistance.)

This story is true as far as I understand the facts:



Initials, Seaman J.H.

Jered William Hodges
[REDACTED]
[REDACTED]

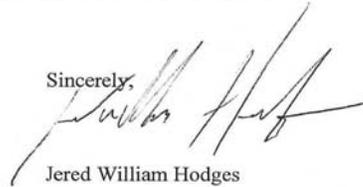
Hon. Norm Dicks
2467 Rayburn House Office Bldg.
Washington, D.C. 20515

Sir,

I am a resident of your district, and I am writing you to ask for your assistance in filing an Equal Opportunity Complaint against the United States Navy. It is my belief that the USN to this day practices blatant discrimination against all sailors with an accent who are trying to serve their country as a journalist in the JO rate.

The following is a story of my navy career as my chaplain and I wrote together.

Sincerely,



Jered William Hodges