

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON VETERANS
COMMITTEE ON CIVIL RIGHTS

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January 27, 2012
Start: 10:12 a.m.
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HELD AT: Council Chambers
City Hall

B E F O R E:

JULISSA FERRERAS
MATHIEU EUGENE
Chairpersons

COUNCIL MEMBERS:
Larry B. Seabrook
Julissa Ferreras
Margaret S. Chin
James G. Van Bramer
James Sanders, Jr.
Lewis A. Fidler
Vincent J. Gentile
Fernando Cabrera
Daniel Dromm
David G. Greenfield

A P P E A R A N C E S (CONTINUED)

Vanny Chen
Cousin of Danny Chen

Kwan Ang
Board Member
OCA New York

Christine Quinn
Speaker

Thomas Krever
Executive Director
Hedrick Martin Institute

Lionelle Hamanaka
Military Families Speak Out

William Gilson
Veterans for Peace

Alec Schierenbeck
Manhattan Borough President's Office

Iris Quinones
Rep. Velazquez

Herb Ruben
Project Director
Veterans Mental Health Coalition of New York City

Stacey Latimer
Founder/CEO
Love Alive International

A P P E A R A N C E S (CONTINUED)

John K. Yang

CHAIRPERSON FERRERAS: Good

morning. I am Julissa Ferreras and I will be chairing for the Committee on Civil Rights during today's hearing. Council Member Rose could not be with use here today because she is out on medical leave and we wish her quick recovery. I would like to thank Council Member Eugene, Chair of the Committee on Veterans for co-chairing this hearing with me. I would also like to thank Council Member Chin for introducing the important resolution that after hearing and considering witness testimony, the Committee on Civil Rights will vote on today. I would like to recognize that we are being joined by Speaker Christine Quinn who has been very supportive of this resolution and this issue. Resolution 1188 was drafted and introduced in response to the untimely death of Army Private Danny Chen who while serving in Afghanistan appears to have endured racially motivated harassment by his peers and superiors. It is clear that the military opposes discrimination and harassment. In fact, each branch of the military has detailed policy prohibiting such conduct. Unfortunately, however,

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2 it appears that these policies may have fallen on
3 deaf ears. Private Chen's death is just one of
4 the recent reminders that we have been given
5 regarding this kind of behavior in the military.
6 Resolution 1188 speaks directly to that point.
7 Resolution 1188 calls on the Department of Defense
8 to examine its policies around cultural diversity
9 and sensitivity in an effort to prevent
10 discrimination and harassment within the military.
11 The hope is that this internal examination will
12 improve the daily lives of those serving our
13 country. I am pleased to be given the opportunity
14 to co-chair this hearing and to lead the Committee
15 on Civil Rights in its vote on Resolution 1188.
16 With that I would like to give my colleague,
17 Council Member Eugene, the opportunity to make a
18 statement. Thank you.

19 CHAIRPERSON EUGENE: Thank you very
20 much Council Member Ferreras. Good morning and
21 welcome to the joint meeting of the Committee on
22 Veterans and the Committee on Civil Rights. My
23 name is Mathieu Eugene and I chair the Committee
24 on Veterans. Before we begin, I would like to
25 thank the Speaker for all her support for the

1 resolution. And also for her leadership in
2 addressing this very important issue. And I want
3 to thank all of you for being here. The Committee
4 on Veterans is here today to consider a Resolution
5 1188, which as you have already heard, call on the
6 United States Department of Defense to closely
7 examine its anti-harassment and anti-
8 discrimination policies and to impose more
9 effective and comprehensive training - - for
10 military personnel to prevent the discrimination
11 and harassment of all military personnel. Each of
12 the armed forces, the Army, Navy, Marines, and Air
13 Force have anti-harassment and anti-discrimination
14 policies. The Army's policies have fallen far
15 short of being effective. It is vitally important
16 both for the safety and wellbeing of servicemen
17 and women and for the effective operation of the
18 armed services that the Department of Defense
19 establish a zero tolerance policy for harassment
20 and policy. I want to express my sense of
21 condolences to the Chen family. We are grieving
22 with you and hope change to the military policy
23 comes swiftly. Thank you.

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25 CHRISTINE QUINN: Thank you very

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2 much Dr. Eugene and also thank you Council Member
3 Ferreras for stepping in for Council Member Rose.
4 I also want to thank Council Member Margaret Chin
5 who is not only the lead sponsor of today's
6 resolution as someone who has been standing with
7 the Chen family since this tragedy first happened.
8 And Margaret I just want to say I think without
9 your efforts, this tragedy would not have gotten
10 the attention that it has. So I want to thank you
11 so very much for that. And I also want to
12 recognize the efforts of Congresswoman Nydia
13 Velasquez who couldn't be with us today but her
14 office is who has also been standing shoulder to
15 shoulder with Margaret and the Chen family. I
16 want to recognize and thank the members of the
17 Chen family who are here. Suzanne Chen, Danny's
18 mother, Yin Chow Chen, his father, Lucy Chen, his
19 aunt, Vanny Chen, his cousin who will testify as
20 well as a number of other members of the family
21 who are in attendance. I also want to thank the
22 members of the advocacy community, the Asian-
23 American community, and the veterans and civil
24 rights community who are with us today for today's
25 hearing. I also want to thank the Chen family who

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2 spent a few minutes before this hearing and gave
3 us the opportunity to meet with them privately.
4 We very much appreciate that. You know, it is
5 impossible for any of us to imagine the pain of
6 losing your only child. But then to lose an only
7 child under circumstances as tragic and horrible
8 as this. And I just want to say and I think I
9 speak for all of my colleagues. Everyone in
10 Danny's family has acted in a way that is
11 courageous and brave and dignified and graceful.
12 And without your work and your outspokenness, the
13 country would not know the problem of bullying and
14 harassment in the military. And as you said
15 upstairs, you want to make sure this does not
16 happen to anybody else. But no one could have
17 blamed you if you said nothing after a tragedy
18 after this. And I just want to thank you on
19 behalf of really all of us in New York City for
20 the tremendous courage you are showing at such a
21 difficult time. Private Chen's death clearly
22 appears to have been the result of racially
23 charged harassment and bullying and it is good
24 that the military has policies on paper. But if
25 all they are all policies on paper, then how are

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2 they protecting the men and women who are out
3 there protecting us every day. And the point of
4 today's hearing and today's resolution is to keep
5 the pressure on the pentagon and the Department of
6 Defense and the military. We are asking men and
7 women to volunteer to put their lives at risk to
8 protect this country. It is an unbelievable
9 sacrifice and Danny made when he--a top student--
10 decided to join the Army. He and his family
11 should know and every member military family
12 should know that we are offering them as our front
13 line of protection the same protection they are
14 giving all of us as Americans. Danny was out
15 there every day fighting to keep us free as
16 Americans and what happened to him can only be
17 described as a terrible form of Un-American
18 behavior. I want to make sure the record reflects
19 that earlier today the Pentagon called the Deputy
20 Legislative Director, Alix Pustilnik of the City
21 Council. They said they were not able to prepare
22 testimony because they are preparing for
23 congressional hearings, but they wanted to make
24 sure that the City Council and the Chen family
25 knew they were aware of the resolution and the

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2 hearing and wanted all the materials relevant to
3 it sent to them. We stand at the ready to stand
4 with all of you in the Chen family and support
5 Margaret in her work and make sure that this
6 effort doesn't end until the military has admitted
7 what happened, put all the facts out there and has
8 responded in a comprehensive way to make sure all
9 members of the military are free from harassment
10 or discrimination of any kind at all. We can't
11 really call ourselves a free country if our troops
12 are not free and safe as who they are. So I just
13 want to thank everyone for being here today and
14 just say this resolution is part of our efforts,
15 whatever else we can do please just let us know.

16 CHAIRPERSON FERRERAS: Thank you
17 madam speaker. And now I would like to give an
18 opportunity for Council Member Margaret Chin to
19 have an opening statement.

20 COUNCIL MEMBER CHIN: Thank you
21 madam chair. And thank you Speaker Quinn. Good
22 morning. I am Council Member Margaret Chin and I
23 represent District 1, Lower Manhattan. I'd like
24 to thank my colleague Council Member Julissa
25 Ferreras for serving in Council Member Rose's

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2 absence and Council Member Mathieu Eugene for co-
3 chairing today's hearing. I want to especially
4 thank Speaker Quinn for attending this hearing
5 today and also for her unwavering support for the
6 Chen family. In addition to Speaker Quinn, public
7 advocate Bill Debazo (phonetic) and myself, 44
8 other members of the City Council have signed on
9 to co-sponsor this Resolution 1188. This level of
10 support from my colleagues is both amazing and
11 humbling. Private Danny Chen's story and the
12 resilience of the Chen family has touched New
13 Yorkers across our city. The Chen family has
14 joined us today. Danny's mother, Suzanne Chen,
15 and Danny's father, Yin Chow Chen, as well as
16 Danny's aunts and uncles and cousins. The Chen
17 family has been so strong and I am honored that
18 they are here today. Finally I would like to
19 thank the council's staff for all their assistance
20 for organizing today's hearing. The death of
21 Private Danny Chen and the circumstances under
22 which he died has galvanized the Asian-American
23 community in New York. Danny was born in China
24 Town and grew up on the lower east side. He
25 attended PS 130, middle school 131 in China Town

1 and graduated from Pace University High School.

2 He was a patriotic young man who wanted to serve

3 his country. Danny made his intention to enlist

4 in the U.S. Army known to his family and friends

5 early on. After serving his country, he planned

6 to join the NYPD. His mother did not want him to

7 go. His father said he was old enough to make his

8 own decision. The only Asian-American in his

9 unit, Danny completed basic training at Fort

10 Benning, Georgia. The harassment and jokes about

11 his ethnicity started almost immediately.

12 According to Army investigators, after two months

13 in Georgia, Danny's relationship with his platoon

14 deteriorated. His correspondence home began to

15 show signs of strain. After basic training, Danny

16 was sent to Fort Wainwright in Alaska before being

17 deployed to one of the most dangerous places in

18 southern Afghanistan, Kandahar Province. On

19 October 3rd, 2011, two months after being deployed,

20 Danny was found dead of what the Army has called

21 an apparent self-inflicted gunshot wound. He was

22 19 years old. Over the last three months, details

23 have been to emerge regarding the circumstances of

24 Danny's death. Army investigators have confirmed

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2 that Danny was subjected to regular and extreme
3 abuse and maltreatment prior to his death,
4 including being belted with rocks, made to perform
5 extreme amount of exercise, called ethnic slurs,
6 and given excessive guard duties among other
7 insults. While we may never know the full story
8 of how and why Danny died, we do know that Danny
9 was subjected to racially-motivated hazing and
10 bullying prior to his death. This abuse was
11 perpetuated by his fellow soldiers and ignored by
12 his superiors. In the aftermath of Danny's death,
13 servicemen and women across our nation have
14 recounted their own experience with hazing and
15 bullying while serving in the military. These
16 personal stories and the testimony of the experts
17 we will hear today, strongly suggests that Danny's
18 experience was not an isolated one. I find it
19 despicable that any young person serving our
20 country should be subjected to discrimination and
21 abuse by his or her fellow soldiers for any reason
22 whether it is because of their race, gender,
23 religion, sexual orientation, or anything else.
24 It is the job of our military to protect American
25 values such as tolerance and freedom, not destroy

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2 them. I also find it despicable that although
3 charges have been leveled against eight soldiers
4 in connection with Danny's death, just this week
5 Army investigators recommended that one charge of
6 involuntary manslaughter be dropped for a
7 defendant in the case. This is unacceptable. The
8 Army maintains they have zero tolerance for hazing
9 and bullying but we demand more than just lip
10 service. We demand action. We demand justice for
11 Danny. The resolution under consideration today
12 calls on the military to closely examine its
13 policy regarding cultural diversity and
14 sensitivity and to impose more effective and
15 comprehensive training regiments for military
16 personnel in these areas. Elected officials from
17 U.S. Senate, House of Representatives, and this
18 council have echoed the call for more transparency
19 and accountability when it comes to hazing in our
20 Armed Forces. Our goal is to prevent
21 discrimination, harassment and the death of any
22 servicemen or women because of how they look,
23 sound, or any other personal characteristic. I
24 want to thank all of you who have come here to
25 testify today on this very important resolution,

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2 particularly OCA New York for taking the lead on
3 this issue and Private Danny's Chen's family who
4 have agreed to speak during this difficult time.
5 Thank you again, Chair.

6 CHAIRPERSON FERRERAS: Thank you
7 Council Member. I'd like to read into the record--
8 --we have received a written statement from Speaker
9 Sheldon Silver in support of the message of the
10 Resolution 1188 and we will be begin by calling up
11 the first panel. Benny Chen, cousin and Vanny
12 Chen and Kwan Ang (phonetic) of OCA New York.
13 While our panel gets ready, we're going to be--I'd
14 like acknowledge that Council Member Danny Dromm
15 of Queens has joined us.

16 VANNY CHEN: Good morning everyone.
17 I am Vanny Chen. I am Danny Chen's cousin and I'm
18 here today with Danny's parents and aunts and
19 uncles to show our support for this resolution and
20 to speak a bit about Danny himself. Danny was a
21 first generation American. He volunteered himself
22 to the Army but in October he had died in
23 Afghanistan with unfinished goals such as being a
24 police officer. I remember when Danny came back
25 from basic training at Fort Benning, he had told

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2 me all about his experiences and things he had
3 learned. And I remember clearly one of the things
4 he was taught was that there was to be open racism
5 in the Army. It's strange now to find that Danny
6 was hazed for being Chinese while he was in
7 Afghanistan. The family and I are here today to
8 hope that there will be reform in the Army so that
9 nothing like this will happen to anyone else ever
10 gain. Please don't let Danny's death be in vain.
11 Thank you.

12 KWAN ANG: Good morning. My name
13 is Kwan Ang. I am a board member of OCA New York.
14 Founded in 1976, OCA New York is a non-profit
15 civil rights organization dedicated to advancing
16 the political, economic, social wellbeing of
17 Asian-Americans. We are one of 80 chapters and
18 affiliates nationwide of OCA. OCA New York has
19 been community advocate combatting hate crimes,
20 media accountability, voting rights, immigration
21 reform, and language rights. OCA New York
22 supports New York City Council Resolution 1188-
23 2212 introduced by Council Member Margaret Chin.
24 OCA New York is the lead advocacy organization
25 seeking justice for Private Danny Chen, a 19 year

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2 old soldier. After being hazed, Danny died at his
3 Army base in Afghanistan on October 3, 2011.

4 Starting with his funeral in China Town, OCA New
5 York has supported and accompanied Danny Chen's
6 parents every step of the way. We initiated an
7 online petition in English and Chinese demanding a
8 transparent investigation. The petition has
9 generated over 5,000 signatures. We created a
10 YouTube video titled, What Happened to Danny, that
11 has been seen by almost 40,000 viewers worldwide.
12 And we led a march from the Army recruitment
13 center in China Town to a vigil at Columbus Park
14 with 26 co-sponsoring organization and nearly 500
15 participants. Consequently, on December 21, 2011,
16 the Army charged eight superiors including one
17 officer with one or more charges ranging from
18 dereliction of duty to involuntary manslaughter
19 and negligent homicide. As a result of our united
20 advocacy, a historic two hour meeting took place
21 at the Pentagon between two top Army leaders and a
22 contingency of local and national elected
23 officials and Asian-American community leaders.
24 U.S. Representative Nydia Velasquez and Council
25 Member Margaret Chin were present. We discussed

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2 the necessity for the following reforms. Number
3 one, the command officer must be held accountable.
4 It's the leadership at the top that must set the
5 tone for zero tolerance policy against hazing and
6 other forms of harassment. It is important to
7 establish and actionable guidelines to ensure that
8 command officers are on notice that there will be
9 consequences if these bad behaviors that take
10 place on their watch regardless of they were aware
11 of the mistreatment. Number two, there must be
12 community input into enlistee and officers - -
13 training. Few Asian-American enlist in the Army
14 and enter academy. Knowledge of history including
15 contributions made by Asian-American military
16 personnel past and present are key to developing
17 mutual respect in the Army for soldiers who have
18 diverse backgrounds. - - experiencing diversity
19 issues and combating hate crimes, we have offered
20 to work with the Army to create an interactive
21 video. This video would be mandatory for all
22 members of the Army to view as part of its
23 diversity training. Number three, there should be
24 intervention at the recruitment stage of both
25 enlistees and officers in the academy. There must

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2 be greater intervention at the recruitment stage
3 to illicit information regarding the prospective
4 recruits attitudes toward diversity. If any
5 member of the Army cannot - - respect because of
6 racial dislike, we believe he or she is not fit to
7 be in that role. OCA New York supports Resolution
8 1188-2012 more effective and comprehensive
9 training of military personnel in cultural
10 awareness, diversity, and sensitivity is needed.
11 We support the resolution for the following
12 reasons. The present system that is in place
13 fatally failed Danny Chen. Danny was mistreated
14 from his enlistment in basic training to his
15 deployment in Afghanistan. The racial taunts
16 during training was noted in his letters home and
17 in his diary. In Afghanistan, Army investigators
18 found Danny had been subjected to daily abuse by
19 his superiors for nearly six weeks prior to his
20 death. The abuse consisted of physical hazing,
21 excessive work detail, and guard duty. Racial
22 taunting with names like gook, chink, and dragon
23 lady. And acts of humiliation, such as ordering
24 him to give directions in Chinese to his fellow
25 English speaking soldiers. He had rocks thrown at

1 his back where he was ordered to crawl over 100
2 meters. He had bruises and cuts on his back when
3 his sergeant dragged him over 50 meters of gravel.
4 Investigators found evidence that the platoon
5 sergeant and the leader were aware of this assault
6 and chose not to report it. OCA New York has
7 learned of numerous similar incidents. Three U.S.
8 Marines are currently facing court martial for
9 contributing to the death of 21 year old U.S.
10 Lance Corporal Harry Lu. We have received
11 complaints of military soldiers being hazed,
12 retaliated against for filing complaints, racial
13 taunt and delayed action by the Inspector General.
14 OCA New York has received an outpouring of support
15 and offers not to only help seek justice for
16 Private Danny Chen but also stop hazing in the
17 military. His case has generated interested from
18 Beijing, England, and Australia to all over the
19 country including Alaska, North Carolina, Seattle,
20 and California. We are advocating that everyone
21 contact their local representatives to introduce
22 and pass similar resolutions. We applaud the New
23 York City Council for taking the lead and being a
24 role model for the rest of the country to follow.
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Thank you.

CHAIRPERSON FERRERAS: Thank you very much for your testimony. And now we are going to have an opportunity for some council members to ask questions. And this is actually addressed to OCA and then Council Member Eugene and Council Member Dromm both have questioning. And of course Madam Speaker.

CHRISTINE QUINN: Do you believe that the military's cultural sensitivity and anti-harassment training adequately addresses the unique needs and experiences of your community.

KWAN ANG: Evidently not because of this case and Lance Corporal Lu's case. And a lot of cases we haven't heard yet. So it's in the policy--the zero tolerance for hazing--but it goes on. So we believe the culture has a problem--the culture of the Army. We'd like to correct that culture.

CHRISTINE QUINN: Do you have any suggestions of how we can begin to improve the training. But also if there is someone who is listening to this testimony--a family member who may be receiving just like Danny did to his

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2 family--what are you suggesting are the steps that
3 they can take?

4 KWAN ANG: We made three
5 suggestions to the Army at the Pentagon as
6 mentioned in my testimony. So if they followed
7 that, I think it would be okay. A commanding
8 officer must be held accountable. That sets the
9 tone for the Army that, you know, this is not
10 allowed, top down. Okay? There must be community
11 input to enlistee or officer diversity training.
12 We have some experience in training, so we should
13 give some input--the community should inject input
14 into the Army. And three there should be
15 intervention at the recruitment stage of both
16 enlistees and officers at the academy. We want to
17 weed out bad officers that don't belong in the
18 Army.

19 CHAIRPERSON FERRERAS: Thank you
20 very much. And again, for the family, thank you
21 for being so strong and for being here today. We
22 do have further questioning. Council Member
23 Eugene and then Speaker Quinn.

24 COUNCIL MEMBER EUGENE: Thank you
25 very much madam chair.

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2 CHAIRPERSON FERRERAS: So just part
3 of the process, we want to learn a little bit more
4 and have your testimony taken into the record. So
5 some of the question may--we may ask you to say a
6 lot of what you said already. But it's for
7 clarity on the testimony. So we thank you for
8 being here.

9 COUNCIL MEMBER EUGENE: Thank you
10 very much for your patience. I won't be long. I
11 won't ask too many questions. But first let me
12 commend and thank you, the cousin of Danny, and
13 also the family members for your courage. And I
14 know that it would be - - . And I want to also--I
15 want to say also the loss of Danny is not only a
16 loss for the family members, but also it is a loss
17 for New York. It is a loss for the country. And
18 we believe that regardless of what we are going to
19 do, we cannot bring him back. But it is very
20 important that we stand together behind him and to
21 make sure the federal government do the necessary
22 due diligence and take initial steps to review and
23 upgrade the policies and others to prevent such
24 thing to happen again. And to the cousin, I know
25 that this is a horrible situation for you and

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2 emotionally this is very tough for you. But as a
3 young person what type of suggestion and advice--
4 is there anything you would like to say, anything
5 you would like to see happen in the military with
6 regard of the treatment of the young soldiers.

7 VANNY CHEN: Like I said, I would
8 hope that there would be reform in the Army
9 because what happened to Danny was really severe
10 and I wouldn't want anybody to go through what
11 torture that Danny had gone through.

12 COUNCIL MEMBER EUGENE: Thank you
13 very much. Sir, I know that you have been
14 advocate and you have been a wonderful--doing a
15 wonderful job on behalf of your community and
16 behalf of the people of New York. In addition to
17 the resolution, what do you think that you can do
18 together with the City Council. Is there anything
19 that you believe that we can do by working
20 together?

21 KWAN ANG: Yes. I think the City
22 Council can write to the House and the Senate for
23 a congressional hearing on hazing. And I think
24 Senator Gillabrand already did that. So I think
25 if everyone follows that would be additional

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2 pressure for the Army to respond and correct the
3 culture of the Army. I'm not saying the policy is
4 not right. I'm saying it's great. The policy is
5 great, but let's do it, you know?

6 COUNCIL MEMBER EUGENE: Thank you
7 very much. Thanks to both of you. Thank you
8 madam chair.

9 CHRISTINE QUINN: We will
10 absolutely, one, follow up with Senator
11 Gillabrand's office and then, two, draft a letter
12 and we'll circulate it at next week's dated
13 meeting and I can't imagine we won't have anything
14 but the vast majority of the 51 members who will
15 sign it. Also, we can work with our community
16 outreach staff and circulate our resolution to
17 other city council's in New York State and across
18 the country. We've done that on other initiatives
19 and asked them to replicate it. So we'll work
20 with Council Member Chin's staff on that as well
21 to try to get a national drum beat going. One of
22 you just used the word torture. And when you were
23 detailing some of the things that happened to
24 Danny like being dragged across gravel, having
25 rocks thrown at him, that is actually the word

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2 that popped into my head and we--and appropriately
3 so--don't treat prisoners that way. And when
4 people are found to have treated prisoners that
5 way they are strenuously punished by the military
6 as they should be. That word, I think, it's
7 horrible to have to use it in the context of how
8 one member of the military treated another
9 American member of the military, but I don't
10 really think there is another word. I think that
11 is tragically the right word. I was wondering if
12 you could share--and I apologize for even asking
13 because I think it's painful, but I think it is
14 important for the record and the city to
15 understand any other information you have about
16 what Danny was forced to go through. Maybe
17 anything you've learned from his diaries or
18 anything like that.

19 KWAN ANG: We haven't received his
20 diary yet.

21 CHRISTINE QUINN: Okay.

22 KWAN ANG: We have the autopsy
23 report and we're going to visit Dr. Henry Lee and
24 ask for his comments. I just wanted to make sure
25 about the word hazing. Hazing is used in the

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2 Army's policy, but this may have gone beyond
3 hazing.

4 CHRISTINE QUINN: Absolutely.

5 KWAN ANG: And that's--and the
6 torture that he went through, that's high trauma.
7 You don't know what a person would do. He might
8 even take his own life, but I'm just saying that
9 there's a lot of trauma involved and that should
10 never happen to a soldier who supports this
11 country, right? And the world is watching us so I
12 think we should.

13 CHRISTINE QUINN: Right. And there
14 is evidence, correct, that superior officers saw
15 this happening and may have even ordered it.

16 KWAN ANG: And even when you report
17 it, it may go up and still stop. You don't know
18 how far it will go up.

19 CHRISTINE QUINN: That's right.

20 KWAN ANG: And there's a lot of--
21 and you only hear reports of what they say. You
22 haven't heard everything.

23 CHRISTINE QUINN: Right. And we
24 may never.

25 KWAN ANG: We may never, but at

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least this is a start.

CHRISTINE QUINN: Absolutely.

Thank you very much. Thank you madam chair.

KWAN ANG: Thank you Ms. Quinn.

CHAIRPERSON FERRERAS: Thank you madam speaker. Now we will hear from Council Member Dromm and we have been joined by Council Member Seabrook, Larry Seabrook of the Bronx. And Council Member Greenfield from Brooklyn.

COUNCIL MEMBER DROMM: Thank you very much madam chair and Speaker Quinn. It's just so difficult for me to even begin this discussion because it is an issue that hits home so personally to me. I note to the speaker and I note to many of the members of this panel as well that have been victims of the type of harassment that Danny was subjected to. I'm a member of the gay community and gay service members were also killed in their tour of duty. And for many of us, this violates the principles that America stands for. And it was these principles that Danny went into the Army to fight for and to stand up for. And so to hear this--and when I heard it first on the news I was just outraged. I was filled with

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2 anger and didn't really know what to do or how to
3 express it. But we have wonderful representatives
4 here. I was Margaret on television. I saw the
5 speaker. And I'm also the chairperson of the
6 Immigration Committee of the City Council. And
7 the work that we have done here with the support
8 of our speaker has been everything which is the
9 opposite of what happened to Danny. We have tried
10 to work to make this city a more tolerant place, a
11 more accepting place, and by example show the rest
12 of the country what should be done as well. To
13 me, basically what happened to Danny was a hate
14 crime--nothing more, nothing less--because it was
15 motivated by people's misperceptions of what it
16 means to be Asian-American. And any time a hate
17 crime happens, the community must come together,
18 stand up, and speak out against this type of
19 violence, against this type of treatment of a
20 fellow American. And that's why I felt so
21 compelled to be here today to listen and to hear
22 the stories of the family and others who will
23 testify so that the rest of America will know the
24 type of pain that this causes to so many of us in
25 the various communities that we represent. That

1
2 being said, I was dismayed to hear in the news--
3 and I wanted to get your opinion about how
4 forthcoming the military was concerning the
5 details of Danny's death. I believe that these
6 soldiers should be prosecuted to the fullest
7 extent of the law possible. I am disheartened to
8 hear that the charges have been reduced and I
9 think one of the purposes of this meeting should
10 be to continue to press for full prosecution in
11 this case.

12 KWAN ANG: That U.S. Army responds
13 that they cannot talk about this case until--
14 because it is under investigation. So that is one
15 issue I have. And the second issue is when they
16 respond they say they we have zero tolerance
17 policy in the Army. And they say zero is the
18 correct number. Then why is it going on, you
19 know? So they don't want to talk about the case
20 because the case is still ongoing at that time.

21 COUNCIL MEMBER DROMM: I find that
22 answer to be unacceptable. I think we as elected
23 officials needs to continue to fight to make sure
24 that you get more information. We will be there
25 to support you in that effort. That is part of

1
2 the reason we are having this hearing today, I
3 believe, to shine the light on what's going on and
4 to continue to keep pressure on the military until
5 the family gets the answers that they need and
6 deserve.

7 KWAN ANG: Thank you councilman.

8 CHAIRPERSON FERRERAS: Thank you
9 Council Member Dromm. We have been joined by
10 Council Member Gentile. And also before Council
11 Member Chin takes the mic for her questioning, I
12 think there's something that at least touched me
13 specifically and I'm an only child. And I know
14 that Daniel was also. And not that if he had a
15 sibling his death would have meant any less or
16 more, but the fact that it's only children, we
17 also have the responsibility of continuing our
18 families and our culture and our history. And I
19 think that it makes this loss that much more
20 difficult that this family. This was the future
21 that this nucleus had and to lose an only child is
22 ten times as worse as anything. So Council Member
23 Margaret Chin.

24 COUNCIL MEMBER CHIN: Thank you. I
25 just would like to ask Mr. Ang from OCA to give a

1
2 little bit more information in terms of the Army's
3 response. I mean when we met with them at the
4 Pentagon, one of the questions we asked was how
5 many soldiers of Asian background that die in non-
6 combat duty. Because a lot of this information,
7 it's not out there. And when we were speaking
8 with the family earlier, if they've heard about
9 it. I mean, I think parents would have to really
10 reconsider if their sons and daughters are going
11 to be treated unfairly in the Army and I think
12 that's why those kind of statistics are important
13 and was the Army--did they send us the information
14 that we asked.

15 KWAN ANG: In that meeting they
16 mentioned numbers, but they didn't want us to
17 distribute it to the world. But they mentioned
18 that since 911, there's 46 Asian-American
19 suicides, six were homicides. But they said,
20 don't send that out yet because we didn't verify
21 that statistics. But we asked 25 questions--we
22 gave them 25 questions, they responded. So we
23 have to the response. We have the statistics in
24 writing. So if you need a copy of that we can
25 always send it to the press. But that it.

1
2 COUNCIL MEMBER CHIN: But I think
3 that's what is important in this case my fellow
4 council member and the speaker. It's that a lot
5 of family who have lost their kids--lost their
6 sons and daughter--who didn't speak up or didn't
7 know how to do it. Or didn't know what happened.
8 We haven't heard about it.

9 KWAN ANG: It's probably--there are
10 some Chinese-American's religion. Once the person
11 is gone, is gone. And the religion may not allow
12 them to hurt other people. So that's one case.
13 And also they don't have maybe high educational
14 background to even respond. So that's where we
15 came in, you know, our organization.

16 COUNCIL MEMBER CHIN: But I think
17 with this case with Private Danny Chin that we are
18 now beginning to hear of the story. I mean even
19 just this morning when I met with the family, the
20 two aunts have heard from other relatives that
21 this happened to their kid a couple of months what
22 happened to Danny. So I think it is so important
23 for us to continue to mobilize and organize
24 because we cannot allow our country to treat our
25 servicemen and daughters, people who serve the

1
2 Army. They need to be treated with respect and they
3 need to be protected. So I really want to thank
4 OCA for your lead. And Benny, I know it is very
5 difficult, for you to talk about your cousin. But
6 maybe you can share with us a little bit more
7 about his hopes and aspirations so that we can
8 truly honor his memory to make sure that this will
9 never happen to any other family.

10 BENNY CHEN: Well, Danny had the
11 aspiration of becoming a police officer, serving
12 for New York City. I remember just thinking back
13 from when we were little kids. We were sharing
14 stories about who we wanted to be and I told him
15 that I wanted to be a doctor. And he told that he
16 wanted to be a policeman. I think it began from
17 there.

18 CHRISTINE QUINN: I just want to--I
19 apologize, I'm going to have to leave to go to
20 another appointment. But Margaret I just wanted
21 to underscore one thing you said, which is that
22 silence breeds silence. And that the first time
23 somebody breaks that silence in issues like this,
24 you often then see a tidal wave of other
25 information. So what has happened here is

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2 incredibly significant because it's really the
3 first time that silence has been broken. And not
4 only I think are we going to hear many more
5 stories than we could ever have imagined that will
6 continue to shock us. It is really going to open
7 it up so people in the future know they come
8 forward. And that, in addition to the policy
9 changes we will accomplish, is going to really
10 also change the culture. I believe that people
11 who engage in this type of behavior whether they
12 are in the military or anywhere else, believe and
13 correctly that they will get away with it, that
14 they won't get caught and that nobody will care.
15 And the truth is it doesn't appear that anybody
16 did care in the military in the case of Danny.
17 Now we're saying that isn't the case anymore that
18 people are actually watching, that people are
19 going to look for this type of behavior and people
20 do care. And so the breaking of this silence is
21 an incredibly significant thing and the first real
22 step. So I just wanted--that was done by the
23 family and it is--I can't even imagine how
24 difficult. So I just really want to thank you for
25 that.

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2 COUNCIL MEMBER FERRERAS: Thank you
3 madam speaker. And now we will be calling up the
4 next panel. Thank you so much for your testimony
5 and for giving voice to Danny. Thank you. The
6 next panel, we are going to call up Thomas Krever
7 from the Hedrick Martin Institute, Lionelle
8 Hamanaka of Military Families Speak Out, and
9 William Gleason from Veterans for Peace. And if
10 you can come up and speak in the order you were
11 called. While we set up the second panel, this is
12 just a reminder to put your phones on silent.
13 These hearings are being recorded and the cell
14 phone ringers pick up. We've also been joined by
15 Council Member Lou Fidler of Brooklyn. You may
16 begin your testimony.

17 THOMAS KREVER: I first want to
18 extend my condolences. I'm so deeply sorry for
19 your loss, deeply, deeply sorry. And I want to
20 thank the city council for hosting and convening
21 this and ensuring this for future generations
22 should not happen again. My name is Thomas
23 Krever. I'm the executive director of the Hedrick
24 Martin Institute. It is the nation's oldest and
25 largest LGBTQ youth service organization. I want

1
2 to thank the city council for the opportunity to
3 testify before this committee on the vital issue
4 of diversity in the Armed Forces. The Hedrick
5 Martin Institute serves over 2,500 young people
6 from over 300 zip codes throughout the greater
7 tri-state area. And we know the value of
8 diversity. Our nation, arguably the greatest
9 nation this world has ever known, finds itself at
10 a crossroads laden with challenges but also ripe
11 with opportunity. Opportunities to embrace on an
12 ever-deepening level the mantra of with liberty
13 and justice for all, especially in the Armed
14 Forces whose members are charged with the critical
15 task of protecting our own inalienable rights. In
16 our work with LGBTQ youth from ages 12 to 24 years
17 of age, HMI extols the values and virtues of
18 embracing diversity whether it be racial,
19 religious, gender identity, sexual orientation, or
20 the many other threads that come together to make
21 our society the greatest and most diverse on the
22 planet. We teach our young people that by
23 embracing diversity, their lives will be enriched,
24 their opportunities increased and their worlds
25 expanded. I firmly believe the same standards of

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2 diversity practiced at HMI can also effectively be
3 utilized and realized in the armed services. The
4 Military Leadership Diversity Commission
5 established by our own Department of Defense
6 defines diversity as all the different
7 characteristics and attribute of individuals that
8 are consistent with the Department of Defense's
9 core values integral to the mission readiness and
10 the accomplishment and reflect the country we
11 serve. This definition concisely captures two
12 fundamental arguments for diversity in any
13 organization or work place. First, there is
14 simply fairness. In this country we believe that
15 it is wrong to discriminate. Second, diversity
16 leads to improved performance and capability for
17 groups and organizations and that's something we
18 certainly want for our Armed Forces. A study by
19 Thompson and Guler (phonetic) shows that when
20 diversity is not managed effectively it can
21 actively reduce capability most frequently through
22 reduced communication and increased conflict.
23 They also go on to write that effective diverse
24 teams don't just happen. Rather they must be
25 designed, implemented, and managed in order to

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2 maximize the potential advantages and minimize the
3 potential disadvantages. And these potential
4 disadvantages are irreversible. When first
5 approached to come before you today to speak on
6 such a topic of diversity in the military, frankly
7 I hoped that I would be able to offer some kernel
8 of wisdom, some sort of knowledge. From my years
9 of human services, I've seen up close the price
10 that society pays when the respect for diversity
11 is absent. As a former gang intervention expert,
12 I learned firsthand how I could intervene
13 effectively even with the most hardcore
14 individuals whom society believed would never
15 respect diversity around them. And I was able to
16 alter their lives. First, exposing them to
17 diversity and then by teaching them the tools to
18 become comfortable and then finally embracing it.
19 Private Danny Chen lost his life because he was in
20 an environment that did not teach its members the
21 necessity and value of diversity, thereby allowing
22 them the most thuggish and dehumanizing of
23 behaviors to become the accepted norm. Instead of
24 seeking out and celebrating diversity and the
25 differences as we do at HMI, a lethal environment

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2 was created. I firmly believe that the military
3 can truly learn from best practices such as HMI
4 engages in on a daily basis with a population
5 struggling to overcome the effects of bullying and
6 bias because of the very thing that makes them so
7 unique, their diversity. What we must do as a
8 society is not just pay lip service to the ideals
9 of diversity, but rather disseminate these proven
10 interventions to as wide an audience as possible.
11 This is more than a case of being politically
12 correct. As we have seen far too often at HMI and
13 has been so recently demonstrated by the tragic
14 case of Private Danny Chen. We simply cannot
15 afford as a society not to enshrine diversity as
16 an ideal that stands beside life, liberty, and the
17 pursuit of happiness. In a non-diverse society,
18 there is no life, there is no liberty, and there
19 is no happiness for those whose differences are
20 not celebrated. After this convening, I will
21 leave today. I will go back to my young people.
22 I will look them in the face and I will be blessed
23 for that encounter. I will look them in the eye
24 and I will promise them that they will be kept
25 safe, not only today, not only tomorrow, not only

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2 through their adolescence, but in the many years
3 that follow. I close by sharing with you two
4 fervent hopes I have for the future of both our
5 young people and our country. First, may those
6 young people who choose to serve in our Armed
7 Forces discover the same respect for and
8 celebration of diversity that they know here at
9 HMI. Second, may their diversity, which they
10 learned to cherish as a source of strength at HMI
11 be seen as source of strength my our own military
12 as well. Thank you.

13 CHAIRPERSON FERRERAS: Thank you
14 for your testimony. And you may begin.

15 LIONELLE HAMANAKA: My name is
16 Lionelle Hamanaka. I'm a member of Military
17 Families Speak Out, a national group of families
18 related to soldiers who have served since 911 and
19 we are opposed to the war in Iraq and we're
20 opposed to war in Afghanistan. And anything I say
21 about the war is only because--will provide an
22 insight into maybe the objective conditions that
23 this incident happened. Military Families Speak
24 Out supports the Chen family, the Chinese-American
25 community, and joins the coalition to investigate

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2 Private Chen's case. As family members of
3 soldiers, we experience the terror of wondering if
4 our kids will be killed by the enemy and to have
5 to worry about loved ones suffering because of
6 fellow members in the military is completely
7 intolerable. My two uncles were in the Second
8 World War. They were part of the 442nd Battalion,
9 which received the highest level of honors, medals
10 for bravery in the entire history of the Armed
11 Forces in this country. My father was a medic for
12 a year. So we have contributed to Armed Forces in
13 the past. We recently saw on TV the photograph of
14 a soldier who died after 14 deployments to Iraq
15 and Afghanistan. On behalf of that fearless
16 patriot who responded to the call of a desperate
17 military with selfless sacrifice, we must point
18 out that the two million soldiers who have endured
19 multiple deployments despite some being
20 incapacitated by post-traumatic stress or other
21 injuries would never commit murder or abuse a
22 soldier leading to suicide. Leaders like General
23 Colin Powell and General Eric Shinseki are
24 examples of hard won racial equality in the
25 military and I'm sure that they don't want their

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2 legacy to be ruined. At this state of war Peggy
3 Coleman wrote, when their most basic beliefs about
4 right and wrong, conscience, compassion and
5 humanity are shattered, soldiers can be
6 transformed in malignant ways. Some of them urge
7 to destructive behavior will be directed outward.
8 Danny Chen's death was a terrible blow to American
9 democracy. The New York Times reported that
10 military suicide and rape rate is at an all-time
11 high. If we care about our military and our
12 national security, we must care about Daniel Chen
13 and the crimes of omission or commission by
14 privates or officers and not let violent offenders
15 into the service. Because the recruiters get
16 perks and bonuses for recruiting a lot of people
17 and sometimes they may overlook or allow people
18 that have been violent in the past into the Armed
19 Forces. The original goals Bin Laden's of Al
20 Qaeda have already occurred. The American people
21 are tired of war. According to the Army Times, 52
22 percent of U.S. troops do not believe the way in
23 Afghanistan will succeed. I only mention this
24 because it creates an environment where soldiers
25 sometimes do commit terrible crimes. In Vietnam

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2 soldiers wore strings of ears that they had taken
3 off the enemy around their belts. In the war in
4 Korea soldiers threw babies up in the air and
5 captured them on the tips of their bayonets. So
6 sometimes war crimes are committed. It is a
7 tragedy that any soldiers of our Armed Forces
8 should dishonor it be victimizing an American hero
9 like Daniel Chen who represented the best of our
10 youths. Military Families Speak Out stands with
11 you.

12 CHAIRPERSON FERRERAS: Thank you
13 for your testimony. You may begin.

14 BILL GILSON: hi my name is Bill
15 Gilson. I am an officer of Veterans for Peace,
16 chapter 24 in New York City. To the City Council,
17 I say thank you for your efforts and what you are
18 doing. To the Chen family I am extending my
19 deepest sympathies. I would like to now read a
20 statement that Veterans for Peace has made.
21 Chapter 34 of Veterans for Peace stands today in
22 solidarity with the family of Private Chen and the
23 entire Chinese-American community in endorsing
24 Resolution 1188 to be sent to the Department of
25 Defense and the U.S. Army. It is especially sad

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2 to honor the beloved member of Private Danny Chen,
3 one of the best of his community. For the better
4 part of a year, I and other members of our chapter
5 held a weekly vigil in front of 143 Chamber
6 Street, the U.S. Army recruiting center, urging
7 the recruiters to be honest and truthful in
8 advertising Army careers. Today, we call upon
9 that same department of the Army to revisit and
10 change its deplorable attitudes on culture,
11 racial, ethnic, sexual, and religious sensitivity
12 towards its members. Let us no longer accept the
13 stock reply, this is a result of a few bad apples.
14 What we are dealing with is the systematic problem
15 of many barrels of bad apples. This insensitivity
16 starts at the very top and filters down. It is a
17 culture of wanton disregard for individual human
18 rights. Veterans for Peace joins the outcry to
19 end military abuse. Veterans for Peace demands
20 justice and will settle for nothing less. Thank
21 you.

22 CHAIRPERSON FERRERAS: Thank you
23 very much for your testimony. We have some
24 questions. Co-chair Eugene.

25 CHAIRPERSON EUGENE: Thank you very

1
2 much, madam chair. I just want to thank all three
3 of you for your testimonies and to Lionelle, I
4 want to commend you and thank you for being here
5 today. I know that you are a strong advocate for
6 our veterans. Every time that we have a public
7 hearing regardless of the topic, you have been
8 always here coming in to support our veterans and
9 to testify. And I know also you have a son in the
10 Army and you are a mother also. I know how deeply
11 you are affected by the situation. But I commend
12 you for that. And to Bill, thank you also for the
13 wonderful job you are doing and thank you for
14 being here. Let me ask you one thing, have you
15 met with a service member who have shared similar
16 story of abuse as reported by Danny Chen.

17 BILL GILSON: I have not directly
18 or personally, but I know--I read. And I know we
19 are informed as a veterans organization and we
20 happen to be a very progressive one. Most of the
21 facts that happened around this entire issue, sad
22 to say, are kept secret. And if it isn't for
23 brave families, like the Chen family, speaking out
24 and people on the city council like Council Member
25 Margaret Chin trying to push for answers, nothing

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2 ever happens. Right now, one in three women in
3 the United States military, across the board, are
4 being sexually abused. That's not a figure out
5 there for many people to read. It's certainly not
6 going to be in the New York Times. But this is
7 the reality of what is going on in the armed
8 services. They have a dirty act to clean up and
9 it's a big problem. That I do know

10 CHAIRPERSON EUGENE: What type of
11 advice would you have for soldiers or veterans who
12 have been facing abuse like Chen? Is there any
13 advice you would like to give them or something
14 you would want to say in case of veterans or
15 servicemen or women are facing those type of
16 abuse? What do you think they should do? How do
17 you think that they should handle the situation?

18 BILL GILSON: Well, I think it is
19 easy to say follow the chain of command, go see
20 the chaplain, all the quick simple solutions that
21 most of the services offer. The saddest thing is
22 it doesn't work. There is a cover up at the very
23 top. That's what happens. So what do you do? I
24 would say try to get your family members engaged.
25 Try to write you political leaders and get them on

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2 board to realize that we have a problem in the
3 United States military. I think we all should be
4 aware of the fact that what just has happened with
5 six Marines with pictures of people urinating on
6 the so-called enemy. This is what has happened in
7 the United States military. And we, if we do not
8 speak up, are allowing it to just continually be
9 done over and over again. This is our job to
10 change the culture, to put the pressure on where
11 it belongs and to change and hopefully prevent
12 this from ever happening again.

13 CHAIRPERSON EUGENE: What do you
14 think should be put in place to prevent harassment
15 or tragedy like this one to happen again?
16 Commission or any type of structural system. You
17 believe that it should be put in place to prevent
18 such tragedy and to eliminate harassment of our
19 service men and women.

20 BILL GILSON: The system is broken,
21 plain and simple. We have to demand
22 accountability. People have to be brought trial,
23 found whatever--guilty--heard and prosecuted. We
24 are not up to this task, not at all. We have
25 just--this week again--passed comment on six

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2 former Marines in 2005 that killed over 24
3 innocent Iraqis in their night clothes. Every
4 charge has been dismissed. The worst that can
5 happen to the sergeant that led this massacre is
6 that he will be reduced to Private. That is
7 wrong. I have a problem with that. I think we
8 all should have a problem with that.

9 CHAIRPERSON EUGENE: Thank you very
10 much, sir.

11 BILL GILSON: Thank you.

12 CHAIRPERSON EUGENE: Thank you
13 madam chair.

14 CHAIRPERSON FERRERAS: Thank you.

15 And now we will have questioning by Council Member
16 Dromm.

17 COUNCIL MEMBER DROMM: Thank you
18 very much. I wanted to just go back to Mr.
19 Krever. In your testimony you said that we must
20 do as a society is not just pay lip service to the
21 ideals of diversity. I feel that the Armed Forces
22 has just paid lip service. They have this ideal
23 of American inclusivity that is not always really
24 there. I'm wondering what your feelings are on
25 that. I'm wondering if the Armed Forces has ever

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2 reached out to an organization such as your or any
3 of the other organizations that are represented
4 here to do any cultural training, sensitivity
5 training, or in any way, shape, or form help
6 people to change their inner feelings.

7 THOMAS KREVER: Thank you Council
8 Member. Well, I want to say the first thing and
9 also to counsel Council Member Eugene is the fact
10 that no one in this room can tell us or tell you--
11 answer your question on what is the process in
12 terms of transparency within the military is an
13 indictment in and of itself. So if I may, I have--
14 -which I do think answers and you'll call me if it
15 doesn't on it. There are several things and the
16 tragedy is that there are so many things that
17 could have, should have, and still need to be
18 done. And so it's transparency of the current
19 state. Right? So where are we now? Where's the
20 military now? What is the curriculum they use?
21 What is the program that they use that really
22 directly addresses this? It's using that
23 curriculum whether it exists or not if not
24 creating it. But how are the various stakeholders
25 who need to be engaged to ensure this cultural

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2 competency, to address all this -isms and the
3 phobias however they may manifest. It's zero
4 tolerance so that if and when this happens there
5 is immediate swift consequences proportionate to
6 the situation or incident. It is clear support
7 for victims, for the victims' families, and for
8 the greater community. I think what you are
9 witnessing here to today is the lack or the
10 realization from the military that this does not
11 just affect one family or one particular group.
12 So what are the services that are in place
13 codified to ensure the entire community is also
14 supported. It is education and, yes,
15 rehabilitation when possible of the bully, of the
16 hazer. We are hopeful when we look at it as
17 ignorance and an opportunity to educate. We are
18 hopeful that is the case. It's ongoing. And this
19 is key. This is where many will fall short. It's
20 ongoing and consistent diligence by military to
21 support and ensure that the lip service ends. So
22 that there is an active lull and active clear cut
23 path that the community can accountably watch, be
24 involved in and ensure that measures are taken.
25 It's education of the greater community so that we

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2 do know what the process is to halt such tragedies
3 in the military. And it's retraining of the
4 officers at all levels of government and military
5 to recognize the incident, to stop the incident
6 and to know what to do about it. And what
7 resources to utilize. Your second question, no
8 they do not directly engage at the Hedrick Martin
9 Institute and one of the things that we have done
10 at HMI is ensure--to your point which I think is
11 absolutely on point--that our young people do
12 realize what's beyond the commercial in terms of
13 those 30 seconds of joy and serving on a tropical
14 island somewhere, that they have the realization
15 of what they are getting into. We're not anti-
16 military by any means. We just want them to have
17 a full education and understanding of who and what
18 they are enrolling in.

19 COUNCIL MEMBER DROMM: How
20 important is transparency to the process you are
21 describing because what I am hearing from the
22 testimony so far is that there has been no
23 transparency in terms of what the Army has found
24 out, in terms of what they are doing, in terms of
25 what they've done in the past. How important is

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2 transparency?

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THOMAS KREVER: I think it is no less than critical with any systemic issue that we deal with, in this case the military. I do want to appreciate the healthy stress--or, yeah, the stress between transparency and the necessity for not being transparent particularly with the military. But I think it does not let the military off the hook so to speak around their responsibility to actively work with the community to find those areas that can and must be transparent and then fully commit the resources to ensuring that dialogue happens.

15

COUNCIL MEMBER DROMM: In this case what I heard from the news reports is that initially there was much resistance to any transparency at all. And I believe that when those types of things happen, it sends a message to the perpetrators of these types of crimes that there will be some type of cover provided to them. Would you agree with that?

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THOMAS KREVER: The psychology is absolutely there. It sends a message to the bully that they will be protected, that they will be

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2 guaranteed a level of safety that they should not
3 have. And that this too shall pass.

4 COUNCIL MEMBER DROMM: I think even
5 in the gentleman's testimony before--I'm sorry I
6 believe it was from OCA--the lack of transparency
7 with that organization and other organizations
8 that are trying to get information about what
9 exactly happened here is evidence of that. And
10 that lack of transparency to me makes this hate
11 crime as I called it before even worse than it has
12 to be.

13 CHAIRPERSON FERRERAS: Thank you
14 Council Member Dromm. And we have also been
15 joined by Council Member Jimmy Van Bramer of
16 Queens. This is a question for Mr. Gilson. Do
17 you think that the lack of diversity at the top
18 ranks of the military contributes to the cover up
19 or quote-unquote cover up at the top that you
20 mentioned.

21 BILL GILSON: I think it has a lot
22 to do with it. And also I think you could put any
23 program into effect and if you don't enforce it
24 and you don't monitor it, and you don't make the
25 results of what's going on transparent, it's

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2 doomed. And I think that in a lot of cases that's
3 just what is happening in the military. It's all
4 window dressing.

5 CHAIRPERSON FERRERAS: Now in your
6 experience, what can we do as a community as
7 elected to encourage this diversity at the top
8 ranks that I think is so vital to how we move
9 forward?

10 BILL GILSON: Well I couldn't agree
11 with you more that we do need the diversity and we
12 need the pressure from the community. That's what
13 we do need. To ask our elected officials to bring
14 forth the means by which--be it resolutions, be it
15 bills--to make the military do the right thing.
16 And then make sure that they are doing the right
17 thing because they don't do it very well.

18 CHAIRPERSON FERRERAS: Thank you
19 very much for your testimony. And actually we
20 have a question from Council Member Greenfield.

21 COUNCIL MEMBER GREENFIELD: Thank
22 you for your testimony. Mr. Gilson, a question
23 for you. I know we are talking a lot about
24 obviously things that need to happen in terms of
25 diversity in the ranks and more training. I have

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2 to tell you though from where I sit from my
3 vantage point, I mean, this just seems to me to be
4 sort of good old fashioned racism, good old
5 fashioned discrimination, good old fashioned
6 sexism. And so when we speak of lip service, I
7 think it is worse than lip service. Because in
8 fact, in my opinion, I think what we see here is
9 complicity by the military in these situations.
10 What's your perspective on that?

11 BILL GILSON: I would agree with
12 you. I've think you've nailed it. That's exactly
13 what is going on. Right now with the Don't Ask
14 Don't Tell, everybody believes that fight is over.
15 Well, guess what? Transgenders right now in the
16 United States military are still being
17 discriminated against and they are not part of
18 Don't Ask, Don't Tell. So again it is nothing
19 more than a cover up and until these people, the
20 Pentagon, the Department of Defense are pushed to
21 the wall literally and made to do the right thing,
22 they are simply not going to do the right thing.
23 And it is a cover up, as you say, just for
24 everything that is bad that is out there. The
25 racism, the hatred, the denial of human individual

1
2 rights, that is what is going on in the United
3 States military. And to deny that is to be on
4 another planet.

5 COUNCIL MEMBER GREENFIELD: I want
6 to thank you. I want to thank all of you for your
7 testimony. I want to thank the Chen family, you
8 know, for myself as an observer just processing
9 the information is really shocking and appalling
10 and I want to thank you for your bravery. And I
11 want you to know that as elected officials we are
12 going to do everything we can to ensure that
13 something like this never happens again.

14 CHAIRPERSON FERRERAS: Thank you
15 for your testimony. And I want to call up our
16 next panel. Alec Schierenbeck of the Manhattan
17 Borough President's Office and Iris Quinones of
18 Representative Velazquez's office. This is a
19 reminder to the committee members, we are going to
20 be voting on a resolution. We are asking if you
21 can summarize your testimony so that we can make
22 sure we get this vote in.

23 ALEC SCHIERENBECK: Sure. My name
24 is Alec Schierenbeck. I'm here on behalf of
25 Manhattan Borough President Scott Stringer to

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2 deliver his testimony to this committee, which I
3 will abbreviate and submit for the record.
4 Manhattan Borough President would like to thank
5 Council Members Rose and Eugene for the
6 opportunity to testimony today. Obviously Council
7 Member Ferreras and Chin. And Council Member Chin
8 in particular for her courageous and invaluable
9 leadership in the wake of this terrible tragedy.
10 These hearings speak to the continued sense of
11 loss and outrage felt in the aftermath of Private
12 Danny Chen's death last October. In the wake of
13 his family's loss it is our duty to make sure that
14 his trauma will never be repeated. I will
15 abbreviate his testimony and finish by saying
16 Asian-American are a robust and growing part of
17 our American family and throughout our country
18 young Asian-American and many others of diverse
19 backgrounds are enlisting in our armed services as
20 an expression of their commitment to our nation
21 and the values it represents. Private Chen has
22 paid the ultimate sacrifice and now we must honor
23 his memory by ensuring his loss will be the last
24 of its kind. Thank you very much.

25 IRIS QUINONES: Good morning. My

1
2 name is Iris Quinones and I'm here on behalf of
3 Congresswoman Nydia Velazquez to testify in
4 support of Council Member Chin's resolution on
5 hazing. First I want to extend my condolences
6 again to the Chen family on behalf of
7 Congresswoman Velazquez. Thank you for the
8 opportunity to comment on this vital topic. Let
9 me commend Speaker Quinn and Council Member Chin,
10 Eugene, and Rose for offering this resolution,
11 which I urge the council to adopt swiftly.
12 Following the tragic loss of Private Chen, all New
13 Yorkers and indeed Americans everywhere are
14 focused on ensuring our fighting men and women are
15 protected from hazing and abuse. Private Chen's
16 loss is a profound tragedy not only for his
17 family, but for the entire China Town community
18 and all of New York. We owe it to Danny's family
19 and all of those who knew him to ensure that there
20 are protections in place that prevent future
21 incidents of hazing and abuse. The loss of any
22 soldier due to inadequate hazing protections
23 should be an outrage. But it is particularly
24 disturbing when incidents of hazing are motivated
25 by racial or ethnic prejudice. Immigrant and

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2 minority communities comprise a significant part
3 of our fighting forces. With minorities making up
4 30 percent of active duty forces or 517,000
5 personnel. The United States Army was a pioneer
6 in the 1950s in moving towards racial integration
7 and today maintains a reputation as one of
8 society's most diverse institutions. When young
9 people from the minority community contemplate
10 joining the service, they should have confidence
11 that their background will not make them a target
12 for harassment or unfair treatment. This is vital
13 not only from the standpoint of fairness, but also
14 to ensure that our military continues drawing from
15 as broad a pool of talent as possible. The
16 resolution before the city council correctly calls
17 the Department of Defense to closely examine its
18 policies surrounding cultural diversity and
19 sensitivity, to improve training in this area for
20 military personnel. It is clear to be that the
21 military needs a top down review at its practices
22 in this area. In that regard, I recently joined
23 with Senator Gillibrand in writing to the
24 Secretary of the Army. Our letter asks a series
25 of important questions regarding the Army's

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2 policies toward hazing. Among other questions, we
3 want to know whether the Army is tracking how many
4 cases of hazing occur each year, when they last
5 reviewed their hazing policies, and how anti-
6 hazing training is emphasized in basic training.
7 It is important for all of us to fully understand
8 the Army's hazing policies so we can press for the
9 improvement and see any gaps in these protocols
10 closed. The resolution before the council will
11 honor Danny Chen's memory by preventing future
12 incidents in discriminatory hazing. I urge you to
13 pass the resolution immediately. Thank you again
14 for the opportunity to present my views.

15 CHAIRPERSON FERRERAS: Thank you
16 for your testimony. Since they are giving
17 testimony representing their members, we are not
18 going to open it up to questioning. So thank you.
19 We're going to be calling up our next panel. This
20 is our fourth and final panel. So after this
21 panel we will be calling up the vote. Mr. Herb
22 Ruben, Veterans Mental Health Coalition of New
23 York City. Mr. Stacy Latimer, Love Alive
24 International. And Mr. John K. Yang. While
25 they're coming up to testify, we have received

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2 testimony for the record from the Service Members
3 Legal Defense Network. Judy Chu, Chair of the
4 Congressional Asian Pacific American caucus in
5 support of Resolution 1188. You may begin your
6 testimony in the order you were called.

7 HERB RUBEN: Thank you. My names
8 is Herb Ruben. I'm the Project Director of
9 Veterans Mental Health Coalition of New York City.
10 Our organization was co-founded in 2009 by the
11 Mental Health Association of New York City to
12 promote the mental health and wellbeing of New
13 York City service members, veterans and their
14 families through education, information,
15 collaboration, and the promotion of a
16 comprehensive array of services. The coalition
17 has established a subcommittee on efficacy called
18 the Veterans Action Committee of New York City on
19 whose behalf I'm speaking today. I'd like to add
20 that I am a veteran myself, having served 32
21 months with the 1st Marine Division between 1943
22 and 1946 including combat service in Okinawa. The
23 tragic and untimely death of any veteran fills us
24 with sadness and mobilizes action. I'm certain
25 that it is in this spirit that Resolution 1188 is

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2 being advanced. I'm equally certain that the
3 Department of Defense will want to recognize and
4 embraced the intent and the purpose of this
5 resolution. It's important to note that largely
6 as a result of our involvement in Iraq and
7 Afghanistan all branches of our military have
8 devoted increasing time to developing cultural
9 training for operational readiness. Such training
10 is primarily related to understanding the cultures
11 and customs of Muslims and the Arab world. For
12 example, U.S. Army intelligence at Fort Huachuca
13 in Arizona has created an 80 hour program in
14 cultural awareness for other military facilities.
15 This focus is largely outward in knowing more
16 about the culture of those with whom we're
17 fighting. It is generally presumed that within
18 our own ranks, we have whites and blacks and
19 Latinos and Asians and Muslims, if only out of
20 necessity have learned to live with one another,
21 know one another and will cover each other's back.
22 However, military personnel sometimes can also be
23 brutal in seizing upon a weakness they perceive in
24 another member of the unit making life difficult
25 if not miserable for that individual. While this

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2 may be played out with prejudicial comments, what
3 is needed I believe is less related to cultural
4 training but more related to addressing the power
5 and what I call the sport of putting someone else
6 down and defining who is in and who is outside of
7 the unit. The person who is being victimized
8 under these circumstances may be too afraid to
9 bring his or her grievance within the chain of
10 command. For his or her protection, something
11 else is desperately needed. For example, an
12 ombudsman attached to the division to whom the
13 victim can turn in safety. I also want to bring
14 to the attention of committee members a
15 significant news release this last week. Army
16 Vice Chief of Staff General Peter Chiarelli at a
17 Pentagon news conference announced that "suicides
18 among soldiers in the active duty guard and
19 reserve total 278 last year, down 9 percent from
20 2010." Chiarelli added, "I think we've at least
21 arrested this problem and hopefully will start to
22 push it down." Chiarelli was releasing a 200-page
23 report for commanders, health care providers, and
24 other military leaders meant to assess the
25 physical and mental health condition of the force,

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2 disciplinary problems, and any gaps in how the
3 Army deals with them. It follows up on a 2010
4 report that said that the Army was failing some
5 soldiers by missing signs of trouble or by looking
6 the other way as commanders try to keep up with
7 tight deployment schedules needed to fight in both
8 Iraq and Afghanistan. Chiarelli said commanders
9 are getting more troops into substance abuse
10 programs, are kicking more out of the service for
11 misconduct, and are barring others with alcohol
12 and drug convictions from joining in the first
13 place. But General Chiarelli can only speak for
14 the Army and not the other branches of military
15 service. This statement reflects a sensitive and
16 compassionate awareness of the issues inspiring
17 Resolution 1188. I urge members of the committee
18 on Civil Rights and Veterans to obtain a copy of
19 General Chiarelli's 200-page report and to find
20 some hope in the steps being taken so that the
21 tragedy that brings us together today cannot occur
22 again. Thank you for the opportunity to
23 testimony.

24 STACEY LATIMER: Good morning to
25 Speaker Christine Quinn who invited me to come to

1
2 the New York City Council Committee on Civil
3 Rights and Committee on Veterans to the Chen
4 family. My name is Stacey Latimer. I am a
5 resident of Brooklyn, New York. I am the CEO and
6 founder of Love Alive International, a faith-based
7 non-profit organization committed to empowering
8 individuals and communities who are pressed by
9 structures, systems, and cultures to develop a
10 comprehensive and sustained approach to combat
11 health disparities, such as HIV/AIDS and create a
12 health and social system that treats people
13 equitably and produces conditions in which all
14 people can achieve optimal health. I am the
15 senior pastor of Love Alive International
16 Sanctuary of Praise, a worship center of New York
17 City, a non-denominational group of believers that
18 honor the teachings of Jesus Christ. I am here
19 this morning in support of Resolution 1188, which
20 calls on the United States Department of Defense
21 to closely examine its policies around cultural
22 diversity and sensitivity among military personnel
23 following the tragic death of New York City Army
24 Private Danny Chen. Yet another young person's
25 life senselessly cut short at the expense of other

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2 biases and hate. In a land of the free, this is
3 unacceptable. As a veteran of the United States
4 Army, a same gender loving man of African descent
5 and an HIV positive resident of the United States,
6 I am an ideal candidate to bear witness of the
7 need for the U.S. Department of Defense to closely
8 examine its policies around culture diversity and
9 sensitivity. And do more to help to prevent
10 discrimination and harassment among military
11 personnel following this tragic death. Racism,
12 bullying, sexism, homophobia, and abuse of power
13 by superiors should not be tolerated anywhere at
14 any time. Yet we understand that injustice and
15 corruption grown like cancer in every sector of
16 our culture and society whether it be personal,
17 business, corporate, and military of which, if not
18 regulated becomes a destructive force. I entered
19 the Armed Forces October of 1985. My first
20 encounter with misuse of power was from my drill
21 sergeant who was determined to have inappropriate
22 sexual relations with me. One of the methods by
23 which he instigated this was placing me on CQ duty
24 alone that he might have a chance to make his
25 sexual advances without witnesses. A very

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2 difficult time for me of which I did not trust
3 that people would believe me and that I would be
4 made to be the bad person or the evil one.

5 Another incident was during my permanent party
6 assignment. I worked in PAC, which is the
7 Personnel Administrative Center at Four Story in
8 Virginia Beach, Virginia. PAC was the place all
9 information was routed through whether it was
10 medical, personal, and professional. And even
11 though confidentiality was a part of protocol, it
12 was rarely kept for people talk, especially about
13 our personal and our religious convictions. It is
14 also necessary to remember that when individuals
15 are transferred from one department, battalion, or
16 base that the consumer files may stay in the file
17 cabinet and are not part of the transfer. But the
18 information obtained travels with the individual's
19 trust or lack of trust. And in some cases that
20 can be deadly. I received my HIV diagnosis while
21 on active duty and after working in PAC I knew
22 that information would easily and quickly
23 circulate among my colleagues. Once the word
24 travelled, it wasn't my colleagues per se that
25 posed most of the problems, but my superiors

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2 within the chain of command that posed the
3 problems. When I received my HIV diagnosis my
4 commander was a Lesbian. I believe that not only
5 her nurturing qualities as a woman played a role,
6 but also her being a part of the same gender
7 loving community provided her the capacity to be
8 sensitive to the stigma and cultural nuances I
9 faced. She and I were able to work around my
10 diagnosis without me leaving my job allowing me
11 the opportunity to continue doing my job
12 exceptionally well. But when the command changed,
13 the new commander who obviously had a problem
14 either with my HIV status or my sexuality. Out of
15 nowhere all kinds of things began to happen
16 without him having to be accountable. The first
17 time I made acquaintance with him was at 5:12 a.m.
18 in the morning as he yelled at the top of his
19 lungs while standing over my bed, you are not
20 special. You will get up and be in formation in
21 seven minutes. And that was due to the fact that
22 prior to the command change, my commander and I
23 had worked out a schedule that could work around
24 my health issues as well as keeping me employed.
25 As an employee of PAC, I had access to enough

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2 resources that allowed me the ability to travel to
3 Walter Reed Army Medical Center for help. The
4 infectious disease staff of the hospital
5 intervened. After a conference call that
6 consisted of a psychiatrist, psychologist, my
7 commander and other administrative staff,
8 infectious disease felt it necessary for my safety
9 and wellbeing that I not go back to my command due
10 to harassment that was audibly through the
11 conversation my commander bluntly said that if I
12 was sent back that he would get me. I was
13 admitted to Walter Reed ward 52 and soon that
14 ward, which was basically developed for people who
15 had long term illnesses that could take care of
16 themselves was now packed with people or either
17 had AIDS or HIV. And on that ward we were
18 stigmatized. The ward throughout the whole
19 hospital was known as the AIDS ward. There were
20 many levels of discrimination that were degrading
21 and humiliating. And of course this was years
22 ago. Today I support Resolution 1188 which calls
23 the Department of Defense to closely examine these
24 policies. I do this not because I am angry over
25 something from yesterday for their will always be

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2 a yesterday to things that need and must be
3 changed in order that the humanity and rights to
4 privacy and liberty be guaranteed as the
5 constitution has ordered. Hopefully this will
6 help this become real for many people. We all
7 have come far and long enough on this journey to
8 comprehend we cannot legislate love. I cannot or
9 can you make people care for and love one another.
10 As an act in response to the preservation and
11 honor of life itself, which is a precious gift
12 from god, we must do what is within our power to
13 set standards for justice in a culture where
14 corruption and hate are spewed at people over and
15 over again without aggressive intervention.
16 Leaving the individual with what they feel is no
17 hope. But we--you can do your best through the
18 regulations, guidelines, and laws to effect
19 immediate change. Change can affect and curve the
20 tide of abuse and harm. Resolution 1188 is a step
21 in the right direction. It is pro-life. As a 23
22 year plus participant with the Jackson Foundation,
23 which is HIV/AIDS research through military
24 medicine, I am afforded an opportunity to
25 participate and facilitate group sessions with HIV

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2 positive active duty soldiers on an ongoing basis.
3 Several are testifying to being separated from
4 their peers doing various exercises to be
5 humiliated and degraded. Many of their
6 testimonies will make you wonder if we are still
7 living in 1987 at a time when HIV was just--we
8 didn't know what it was, whether it was airborne
9 or so forth. There are soldiers in 2012 living in
10 a mental hell as they serve their country while
11 they endure stigma sometimes violence, racism,
12 sexism, homophobia, and abuse of power. I believe
13 that Resolution 1188 is not the means to the end
14 of all these problems, but this is a step in the
15 right direction of protecting the precious rights
16 of all as we honor the diversity within the makeup
17 of community and humanity.

18 CHAIRPERSON FERRERAS: Thank you
19 very much for your testimony. And you may begin
20 sir.

21 JOHN YANG: My sincerest sympathies
22 and condolences to the Chen family. Ladies and
23 gentleman of the New York City Council, I would
24 like to extend my appreciation and gratitude to
25 New York City Councilwoman Margaret Chin.

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CHAIRPERSON FERRERAS: I'm sorry.

Can you please state your name for the record?

JOHN YANG: My name is John Yang.

I would like to extend my appreciation and gratitude to New York City Councilwoman Margaret Chin for making me aware of this hearing and for providing a formal letter for me to attend to provide testimony about my experience of abuse, discrimination, harassment, and maltreatment while on active duty service with the United States Army. Before I provide my testimony, I would like to voice my concerns. I'm concerned about my safety and the safety of my family because on January 23rd, 2012, when I visited this building and this office to retrieve the formal letter of invitation from Ms. Margaret Chin's office, the same evening I received a harassing phone call which could be construed as threatening, which indicates that my email communications may have been intercepted or my telephone conversations may have been intercepted. Or somebody in this building notified somebody on the outside of my visit and intention to attend this hearing to provide testimony or a combination of the three

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2 aforementioned scenarios or all three of the
3 aforementioned scenarios could have occurred. I
4 did not notify anyone that I intended to attend
5 this hearing to speak and provide testimony about
6 my experience. Therefore, because my concerns for
7 my safety and the safety of my family, I would
8 like to have on the record that I will be provided
9 immunity and protection for my testimony because
10 my testimony has far-reaching implications and
11 serious ramifications. The same implications and
12 ramifications facing the Marines and soldiers that
13 mistreated Lance Corporal Harry Lu and Private
14 Daniel Chen. Unfortunately, Lance Corporal Harry
15 Lu and Private Daniel Chen cannot be here to
16 testimony about their experience.

17 CHAIRPERSON FERRERAS: This is a
18 public hearing, so your testimony will be made
19 public because it is recorded. But if you do have
20 concerns and we still want to hear your testimony,
21 perhaps we can do it at a private meeting. But
22 that's a decision you will have to make. But the
23 reality is that this is a public open forum and we
24 would not be able to offer you those protections
25 that you are seeking. Perhaps if we schedule a

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private meeting, we are able to make arrangements.

JOHN YANG: I understand. Then I am not prepared to provide testimony and speak in this public forum. If one of the council members could state on the record if they can say quote, John Yang you will receive immunity and protection for the testimony that you will provide for the abuse and discrimination and harassment that you experienced during your active duty service with the U.S. Army. But since you had said that it's better left for a private meeting or forum, then I think that would be better.

CHAIRPERSON FERRERAS: Yes, there are no--as members we cannot offer you that at this opportunity. So perhaps you can reach out and we can follow up with you on a private-- listening to your perspective and your opinion on a private matter. Thank you though for taking the time and sitting through the hearing for the testimony. Do my colleagues have any [pause]. Council Member Eugene--and prior to the co-chair testifying, I just want to say I really appreciate both of your testimony. It always adds the substance that we need and the teeth to hear

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2 especially from former military and present
3 military. It always makes a difference for us as
4 elected. Council Member Eugene.

5 CHAIRPERSON EUGENE: Thank you very
6 much madam chair and thank you to all three of you
7 for your courage and for your testimony. Thank
8 you very much. Mr. Ruben, in your testimony you
9 said that military personnel are sometimes--can
10 also be brutal and seize upon a weakness that are
11 perceived in other members of the unit and making
12 life difficult. Based on your experience and your
13 expertise, what do you believe that can be done to
14 prevent such things to happen?

15 HERB RUBEN: I think we ought to
16 recognize that many members of the military are
17 relatively young. They're maybe 18, 20, 22 years
18 of age. But they all grew up here in our cities.
19 We need to take a look at whether we've done a
20 very adequate job of being able to deal with those
21 issues within our school system. Throughout
22 community lives and the diversity that New York
23 City represents, we find the same kind of picking
24 on a putting people down. While it often may be
25 expressed around racial or religious terms, I

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2 don't believe that's the real issue. The real
3 issue has to do with the need to elevate one's
4 sense with a greater sense of power, the need to
5 engage with others in what I call--it's a sport,
6 that's a very poor term. But it does become a
7 sport to gang up on someone else. I think it may
8 be a mistake to place the emphasis on the cultural
9 training. I don't think that's the issue. I
10 mean, throughout our school systems and throughout
11 the military, people with diverse backgrounds get
12 along very well together. I think we have to
13 recognize that it's a universal issue that doesn't
14 start in the military, but it really starts here
15 within our own communities.

16 CHAIRPERSON EUGENE: We know that
17 training is not the only--has not been the only -
18 - situation. As we speak, probably there are
19 many, many other soldiers who are in the same
20 situation. We know also prevention is the best
21 thing in medicine, in life. When you are able to
22 prevent, this is cheaper, this is more effective.
23 So in terms of prevention, is there anything that
24 you can add?

25 HERB RUBEN: Yeah, I put forward an

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2 idea because I don't think one can rely upon the
3 military chain of command. One would hope that
4 they would act, but in many instances they won't.
5 Or in many instances the person that is being
6 victimized will be afraid of going up that chain
7 of command. I'm suggesting the possibility of an
8 ombudsman being created for a division or a
9 battalion. Someone who has the ability to be able
10 to listen to the person who is being victimized
11 and has the authority to take some action. It's a
12 concept that we use in our civil life and it's a
13 concept that often works very effectively.

14 CHAIRPERSON EUGENE: Thank you very
15 much. Also, in your testimony you say that the
16 person who is being victimized under these
17 circumstances may be too afraid to bring his - -
18 within the chain of command. What do you think
19 that should be done--that could be done to have
20 the people facing harassment to overcome the fear
21 and to go forward and speak. Is there anything
22 that you believe that can be done to help them?

23 HERB RUBEN: We need to create more
24 perfect human beings. We need to create a climate
25 that really comes down hard wherever that takes

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2 place. But more than anything else at the moment-
3 -that's a long term process--we have to provide an
4 avenue whereby the person who is being victimized
5 does have some recourse. And I don't believe that
6 recourse is going to come from the chain of
7 command most times. And that's why I'm suggesting
8 the possibility of the military doing something
9 which it would probably never think of in creating
10 an ombudsman concept.

11 CHAIRPERSON EUGENE: Thank you very
12 much. Thank you sir. And Mr. Stacey, I'm going
13 to ask you the same question because you have been
14 there. You have been in this situation. I don't
15 know if you spoke how did you handle the
16 situation. What do you think that should be done
17 or could be done to help people facing harassment
18 in the military to overcome the fear to go and the
19 right thing in order to stop that. Is there
20 anything that you think that you did and that was
21 helpful to you? Or is there anything that you
22 believe that, you know, a soldier could do to try
23 to protect himself or herself when facing
24 harassment?

25 STACEY LATIMER: Well, I think that

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2 it really works on an individual basis because
3 everybody is not empowered to speak once they have
4 been oppressed or once they have been victimized.
5 But I do think there are a couple of things that
6 we can do. With the things that are already in
7 place, I think each battalion needs a committee
8 that oversees and searches out such behavior. I
9 think through the work that we've done around HIV,
10 we understand that it is necessary to have peers
11 at the table that can speak in reference to the
12 target population or in reference to individuals.
13 And so I think that if we created committees that
14 took the time to make each battalion accountable
15 for their actions and that committee also be the
16 researcher to look into reports and be made up of
17 peers of soldiers, I think that would benefit--and
18 plus give soldiers the security to know that their
19 voices are heard and it's not just one of those
20 good old boy kind of situations.

21 CHAIRPERSON EUGENE: But as far as
22 you know, is there any structure in place where
23 the soldier can go to address the issues, to make
24 complaints about harassment they are facing.
25 Anything in place for them to try to get some

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protection or make their voice heard.

HERB RUBEN: Just like any company there are procedures, protocols in place, but it's the fact whether you trust those protocols. Again, wherever you have people, you have issues of trust and mistrust. And so inside the military no different than whether it's the police department, you have sectors where people come together to protect their own. And so those that are being violated by the good old boy mentality don't feel secure enough that the systems that are already in place is going to protect them. Just like if a police officer was being violated by his fellow officers, more than likely from what we know about the camaraderie among police officers, the police officer is not going to feel secure reporting police officers because of that good old boy mentality. Pretty much the something in the military. You just don't feel like you are protected because the culture that has existed and continues to exist is going to work against you.

CHAIRPERSON EUGENE: Thank you very much. Thanks to all three of you. Thank you madam chair.

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CHAIRPERSON FERRERAS: Thank you.

We are going to. Council Member Fidler?

COUNCIL MEMBER FIDLER: We're ready to go to a vote, right? As I'm not a member of the committee that's going to be voting on this resolution today and as a co-sponsor of the resolution I just wanted to say a few words if I could. First, I want to express my personal and sincere condolences to the Chen family. I think it's been sad that there is no greater tragedy or sorrow than a parent or a caregiver buries their child. I hope that the things that we do here today and the things that happen hereafter will make Private Chen's death not--while senseless--not in vain. Bullying is a horrendous problem in our society. It's not new. But it has taken new turns. Teenagers in school now bully on the Internet. With the click of a mouse, they can destroy someone's life and we don't do enough to teach them not to do that. In the military, we have to acknowledge that we have men and women who are serving who are teenagers who are carrying guns. And there's probably very few things that are as empowering and as emboldening in life as

1 walking around with an AK47 and sometimes that
2 leads us to a locker room or frat party mentality
3 about who we are and we forget the consequences of
4 the words, the deeds, that sometimes we're
5 responsible for. The military needs to be
6 cognizant of that. They need to be aware of just
7 the circumstances that they are putting young men
8 and women in. And the fact that now in a diverse
9 world, there are many, many different types of
10 people from different backgrounds who want to
11 defend our country and our nation. And we need to
12 make it possible and acceptable. In fact, we need
13 to encourage that those diverse people feel that
14 they can stand up for our nation. And I know that
15 my colleagues are going to vote for this
16 resolution today. I urge them to do so. And I am
17 very proud to be a co-sponsor of it. Thank you
18 Council Member Fidler and thank you for your
19 testimony. I would like to thank everyone for
20 coming to provide testimony today. I would like
21 to give a special thanks to the family of Private
22 Chen for coming today and providing testimony and
23 for your strength and of course we share our
24 condolences. With that I would like to give an
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2 opportunity to Council Member Margaret Chin who
3 introduced the resolution and then council member
4 and co-chair Eugene who would also like to make
5 some comments prior to us calling up the vote.

6 COUNCIL MEMBER CHIN: Thank you
7 madam chair. I also wanted to extend a thank you
8 to the family of Danny Chen, especially to the mom
9 and dad for being here and for having to sit
10 through the hearing. And I know from the mother--
11 every time she is at a press conference, she tells
12 me that every time she hears the stories again and
13 the testimony again and it really hurts. And I'm
14 sorry that we have to put you through that again.
15 [foreign audio] So I think that this is a good
16 beginning, so that we will make sure that Danny
17 Chen did not die in vain, that his life will
18 always be remembered and cherished. And that we
19 will prevent this kind of tragedy from ever
20 happening again to another family. And I also
21 wanted to thank everyone who came here to testify
22 today, especially OCA New York, and also to all
23 our elected officials that represent the lower
24 Manhattan area, Congresswoman Nydia Velazquez,
25 State Senator Squadron, Speaker Silver, also

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2 submitted testimony - - and also Congresswoman
3 Judy Chu who lost a nephew who lost a nephew to
4 bullying and hazing in the Marines and she also
5 sent her testimony. So that you madam chair.

6 CHAIRPERSON FERRERAS: Thank you
7 Council Member Chin. Council Member Eugene.

8 CHAIRPERSON EUGENE: Thank you very
9 much madam chair. Again I want to express my
10 heartfelt condolences to the members of the family
11 and I want to thank co-chair Ferreras and also I
12 commend and thank Council Member Chin for a
13 wonderful job well done. And I think that we've
14 changed military policies and system. I hope
15 that. And I think also that we've made our
16 military system better and that we changed our
17 soul--United States because any time we can do
18 something to improve our system, that it would
19 benefit all of us. And to all of you here, thank
20 you very much and the veterans and men and women
21 in service who are here. Thank you for your
22 service to this nation. Thank you. Because of
23 your sacrifices we can enjoy the liberty that we
24 all cherish and it is because of your services--
25 because of your sacrifices--that we can be here

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2 today. And again thank you. Regardless of what
3 happened to Chen, which is a tragedy, - - we are
4 against, but I want to let you know veterans and
5 the men and women in service, you are all heroes
6 and we owe to all of you a good deal of gratitude.

7 CHAIRPERSON FERRERAS: Thank you
8 and I would like to take this time to also extend
9 the speedy recovery of Council Member Rose who we
10 hope will be joining us again very soon. And for
11 me it's been honor to be able to chair this
12 committee for her today. And with that I believe
13 that the Committee on Civil Rights is ready to
14 vote on Resolution 1188 and I urge all my
15 colleagues to vote yea.

16 WILLIAM MARTIN: William Martin,
17 Committee Clerk, roll call vote on the Committee
18 on Civil Rights Resolution 1188. Council Member
19 Ferreras.

20 CHAIRPERSON FERRERAS: I vote aye
21 and again I encourage my colleagues to do the
22 same.

23 WILLIAM MARTIN: Seabrook.

24 COUNCIL MEMBER SEABROOK: Thank you
25 madam chair. Just to explain my vote here. I

1 think that just listening to the testimony here,
2 there are a couple of things that need to be
3 stated as being as one who had the opportunity to
4 grow up in a segregated America. There is no such
5 thing as a perfect human being, but we must be
6 perfect about treating people as human beings.
7 And if we develop a sense of treating everybody as
8 a human being, we wouldn't have all the problems
9 in which we have. Less than 60 years ago, America
10 had a segregated Army. So I think we need to look
11 at what took place here and don't trivialize this
12 as bullying and hazing, this was out and out a
13 sense of racism that exists. Racism is the
14 inherent belief of superiority and the Army has
15 been a product of that for many, many years. And
16 if you look at it historically of how it has been
17 done and I think to do this, this resolution is
18 important, but to the Chen family, I say to you
19 that you should have this light shining about your
20 son and you should tell this story to America so
21 that America will understand what happened to your
22 son. There was a lady named Mrs. Till who said I
23 want America to see what they did to my son. So
24 that story changed how we deal with people in
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2 America. Your story has to be told and it should
3 be all over this country of what happened. And I
4 think that people--when you read the story and
5 transcript of what took place--it wasn't just
6 hazing and bullying. When you start looking at
7 all of the bigotry, the racism, and everything
8 else that exists--and America has lived too long
9 with racism, sexism, bigotry, homophobia and done
10 too little about it. I think this will be a step
11 in the right direction, but I think that what
12 needs to be done--don't let anybody tell you that
13 we've heard enough of your story. You tell your
14 story and we should tell your story. And I vote
15 yes on this resolution.

16 WILLIAM MARTIN: Chin.

17 COUNCIL MEMBER CHIN: I vote aye.

18 Thank you.

19 WILLIAM MARTIN: Van Bramer.

20 COUNCIL MEMBER VAN BRAMER: With
21 condolences to the Chen family and with thanks to
22 my colleague Margaret Chin being such a champion
23 on this issue, I vote aye.

24 WILLIAM MARTIN: By a vote of four
25 in the affirmative, zero on the negative, and no

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2 abstentions, the resolution is adopted. Members
3 please sign the committee report. Thank you.

4 CHAIRPERSON FERRERAS: Thank you
5 and this hearing is called to an end.

C E R T I F I C A T E

I, Matt Williams, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

Date 2/7/2012