

October 28, 1985

Honorable Hector P. Garcia M.D.
Founder of American G. I. Forum
1315 Bright Street
Corpus Christi, Texas 78405

Dear Dr. Garcia,

Enclosed is the letter that I had written, but was never mailed. My appologies. (Encl-1).

I am taking this opportunity to thank you for all that you have done for me and hope you will continue to do a lots more, if God is willing.

I have written a letter with a lot of detail to Representative J. J. Pickle because I was asked to specifically state what I want for Representative J. J. Pickle to do for me. I am hopeful that his staff would know what to do. I have stated that I need employment or reinstatement so that I could practice my profession.

The Equal Employment Opportunity Commission answered my sister's (Maria Elena Calderon Ramirez) letter addressed to President Ronald Reagan. In essence it states that I have exhausted all my administrative and judicial avenues and that they (EEOC, the President etc.) can not do anything to help me. Unfortunately my case was never heard in the Courts as presented because the lawyers from MERADCOM Fort Belvoir averted (denies allegations even with proof cited) all charges and introduced the Merit System Protection Board decision as the basis for their argument. Consequently, my case was never heard.

My case was never heard and 8 years later I am still suffering irreparable harm because I was blatantly discriminated and abused of my constitutional rights of a trial which never took place because every allegation that was to be legally tested was averted by MERADCOM Fort Belvoir and the Courts decided on the MSPB decision. Therefore, unilateral decisions were instituted and the case that now the Equal Employment Opportunity Commission alledges that I have exhausted all my administrative and judicial avenues is a blatant misrepresenta-

tion of the truth. The truth is that I WAS DISCRIMINATED, FIRED, AND UNABLE TO GET GAINFULLY EMPLOYED.

EXAMPLE THAT SHOWS THAT THE SUPREME COURT DENIED ME DUE PROCESS.

A WRIT OF CERTIORARI was presented and personally submitted to the SUPREME COURT with facts and documents to complement my case.

RESULT: The Attorney General representing MERADCOM Fort Belvoir responded that the U.S. GOVERNMENT hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.

Joseph A. Fisher, III, Esquire
Assistant Attorney General
701 Prince Street
Alexandria, Virginia 22314
(First-Class Mail)

I immediately sent a respond: Request that the Courts instruct MERADCOM Fort Belvoir to respond to the WRIT OF CERTIORARI.

The courts never responded, but instead send a notice that my case had been DENIED,

BOTTOM LINE--I spent approximately 8 years presenting a case that would have shown blatant DISCRIMINATION with documents dated from 1972 to 1977. Instead the CLERKS OF THE SUPREME COURT DENIED MY WRIT OF CERTIORARI based on the MERIT SYSTEM PROTECTION BOARD DECISION which was based on termination because of insubordination.

FACTS ABOUT EEO OFFICERS AT FORT BELVOIR (MERADCOM).

1. EEO Officers from MERADCOM Fort Belvoir are appointed by the Commander of the Laboratories and answer directly to the Commander,
2. EEO complaints are presented through 1st step and 2nd step grievance to generate documents and information between Manager & Supervisors vs Employee.
3. The documents and information are generated by having a in-house investigation for the benefit of each party.
4. This same documents are generated in a PING PONG fashion. If you respond in a favorable manner

then Management and the EEO officer would respond that the documents are "not germane" (Not relevant to the case) and are consequently removed from your case so that there is no favorable documents to complement my case. The end result is that the EEO Officer collaborates with the Supervisors to do what they wish with the employee. If the EEO Officer does not wish to cooperate with a favorable ^{report} to the Commander then the Commander would initiate steps so that the EEO Officer is removed as an EEO Officer, transferred, or demoted.

5. Since Management & Supervisors have the complete cooperation of the EEO Officer, then it's easy to initiate grievances by the employee to generate documents that would repeatedly state that there was no DISCRIMINATION within MERADCOM Fort Belvoir.

6. Once a pattern of discrimination is left in the hands of an EEO Officer, the reports will show that there is NO DISCRIMINATION within MERADCOM.

7. After all my administrative avenues (EEO hearings) were conducted the outcome was always detrimental to me. Then I was placed in ADVERSE STATUS and the rest is history. I was placed in ADVERSE STATUS IN APRIL 1977 until DECEMBER 1977. I received 1 day suspension; 5 day suspension and finally terminated in December 16, 1977. Reason for termination: INSUBORDINATION

The bottom line is that MERADCOM Fort Belvoir now has a genuine case that represents the documents of the supervisor/management to use against an employee because when one is placed on ADVERSE ACTION STATUS the employee is working in involuntary servitude. Involuntary servitude (slavery) was abolished after the Civil War. Unfortunately, at MERADCOM FORT BELVOIR, Alexandria, Va. the practice of placing employees in ADVERSE STATUS IS STILL BEING UTILIZED "TO FIRE EMPLOYEES AT WILL". I am a victim of such procedures.

MERADCOM FORT BELVOIR places the employee on ADVERSE ACTION STATUS (See section in Civilian Personnel Manual) and it states specifically what to do and the time required to achieve a 1 day reprimand, then the second reprimand and finally termination.

MERIT SYSTEM PROTECTION BOARD HEARING

A year later after being fired the Honorable Judge Burgess tried the case. He ruled in favor of the agency because he mentioned that the case WAS NOT AN EQUAL EMPLOYMENT OPPORTUNITY case, but instead was a case based on ADVERSE ACTION procedures. He mentioned that very few questions could be asked because an ADVERSE ACTION CASE has one final decision and destination.. "Termination of employment for cause". The Merit System Protection Board ruled in favor of the agency.

The Merit System Protection Board decision was used to render a DENIAL. Therefore, the Supreme Court did not RULE IN FAVOR OF IT, BUT DENIED TO HEAR IT SINCE MY CASE WAS NEVER HEARD AS IT WAS PRESENTED. I WAS NOT INSUBORDINATE AND I DID NOT DISOBEY. MANAGEMENT AND SUPERVISORS CREATE A SITUATION BY PLACING ME IN INVOLUNTARY SERVITUDE AS PROVIDED BY THE PROCEDURES IN ADVERSE ACTION AND THEN GENERATE DOCUMENTS TO PROVE THAT THE EMPLOYEE WAS INSUBORDINATE.

Honorable Dr. Hector P. Garcia you are the only man that I know that has experienced DISCRIMINATION and as a result the AMERICAN G.I. FORUM was born. Please make this a memorable moment for me. Kindly see if there is any way that the Honorable J. J. Pickle can help.

You have been a very strong influential person in my life. I was 16 years old when Dr. Idar, Uriel Trevino uncle Carlos Calderon, and others were here in Austin having G.I. Forum meetings at the Pan American Center & East Austin and the University of Texas Campus. At sixteen I was attending the University of Texas in June of 1950. Also I was active in the Washington D.C. Chapter of the American G. I. Forum and had the opportunity of meeting such people as Chente Ximenez, Rodolfo Ramos (Licenciado) Col Melendez, Raul yzaguirre, Ed Terrones, Ed. Pena, Ernesto Salinas, Adan Trevino, Tomas Tijerina, and Lupe Saldana. Oh, I almost forgot my brothers Dr. Fermin Calderon and Lalo Calderon.

Again it has been an honor and a privilege to have met a man of great courage and strength in fighting for what you believe was right.

Honorable Dr. Hector P. Garcia please help me find employment. It is very important to do so right away. I would like to share my future thoughts with you but I feel this is not the proper time to do that. Any and every thing that you will do to help me will be deeply appreciated.

THANKING YOU IN ADVANCE

Su seguro servidor

Julio H. Calderon

cc/jhc

1. Honorable J. J. PICKLE
2. Honorable Solomon Ortiz
3. Honorable Albert G. Bustamantes
4. Ms Maria Elena Ramirez (my beloved sister)

P.S. Encl-2- Letter to JJ Pickle
Dated - Oct 28 - 1985

2408 South Second Street
Austin, TX 78704
August 5, 1985

Dr. Hector P. Garcia
Founder of the American G.I. Forum
1315 Bright
Corpus Christi, TX 78414

Dear Honorable Dr. Garcia:

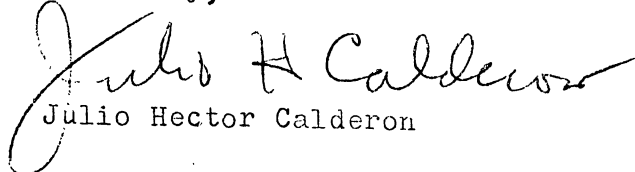
It was an honor and a pleasure seeing you at the American G.I. Forum National Convention. Your high spirits and great stamina has always been a tremendous inspiration to the success of your organization--the American G.I. Forum.

As per our conversation at the above-mentioned convention, I am requesting that you set up an appointment with the Congressman, Chairman of the Armed Services Committee to see how he can help me obtain re-instatement and/or assist in providing guideness so that I can be helped to acquire my job back with the Department of the Army, as suggested to me per conversation mentioned above.

I left you some documents at the National G.I. Convention to show you that I am sincere and willing to work at whatever level of expertise is necessary in the field of Chemistry, (Please see said documents to confirm resume, etc.) so that I can be gainfully employed as soon as possible. I would like you to know that I left a duplicate package with the National Veterans Outreach Program Director, Mr. Carlos Hernandez, to see if the NVOP could help. No response so far. I am still expecting a respond to date. Please see if you can help me in any way possible.

I will be calling you by this coming Friday, August 9, 1985, to find out the status of my situation. May I hear from you soon in regard to the reinstatement and/or to the employment sought for me. Please help me. Thank you very much for all your help.

Sincerely,


Julio Hector Calderon

Encl- 1

October 28, 1985

HONORABLE J.J. PICKLE
U. S. House of Representatives
Austin, Texas

Dear Sir:

I have received Representative Albert G. Bustamente's letter dated September 9th, 1985 which informed me that my file is in your office. I have also received my sister's letter addressed to Honorable J. J. Pickle dated October 8th, 1985.

I need to find out what the Honorable J. J. Pickle is able to do to help me find a job either in Civil Service (Post Office, Department of Defense, Commerce Department, Environmental Protection Agency to name a few) or with private industry (Motorola, IBM, Lockheed, 3M, Tracor, Texas Instrument to name a few) here in Austin, Texas.

The message sent to Representative Ortiz from Doctor Hector P. Garcia (Founder of American G. I. Forum) was short and to the point. HELP MR. CALDERON FIND A JOB. He is a veteran and needs employment in his profession.

I am confident that there are things that Honorable J. J. Pickle is able to do to help me get gainfully employed. For instance, Honorable J. J. Pickle could inquire why Mr. Calderon's case was never heard the way it was presented to the Court. Instead the lawyers for the Department of Defense inserted the Merit Protection Board Agency decision and used this document as the basis for their defense. I WAS NOT APPEALING MY FIRING. THAT WAS THE TIP OF THE ICEBERG. From 1972, four years after I received the GS-12 rating, I sought to be promoted by utilizing the opportunities afforded us by the Equal Employment Acts of 1964 and other amended laws after that. Unfortunately, in order to be promoted, you must be selected and trained so that the person trained was the best qualified. Instead I was selected and placed in adverse status twice in my career. In October 1972 I was placed in involuntary servitude (ADVERSE STATUS)

Encl-2 -

and after 1 day suspension and 3 day suspension, I received an letter of TECHNICAL INCOMPETENCE. This is the end result when a person is placed in ADVERSE STATUS because of the rules and regulations that one has to follow to achieve its objective. Then in April of 1977 I was again placed in ADVERSE STATUS and no matter how hard I tried to stop it, it was of no avail...I received 1 day suspension, 5 day suspension, and finally I was terminated from employment December 16th, 1977. Reason for termination: Insubordination. All this is achieved by the use of ADVERSE STATUS which is in actually INVOLUNTARY SERVITUDE ie SLAVERY which was abolished after the CIVIL WAR. The MBRADCOM Fort Belvoir lawyers representing the Department of Defense averted all the legal points presented in my case and instead spent approximately 8 years taking a case to the Supreme Court based on the MPBA (Merit Protection Board Agency) decision which was unilaterally decided. This is not JUSTICE , but a MISCARRIAGE OF JUSTICE.

Another instance in which Honorable J. J. Pickle could help if he so desires is that he could be instrumental in providing employment for Mexican American so that I could become gainfully employed. There are jobs available that require my knowledge, skills, and abilities but unfortunately, the Merit Protection Board Decision has tarnished my profession and I am Black-Balled so that presently no one will hire me. I have the experience and knowledge that could be utilized in high tech industry or Government Agency. The Texas Employment Commission has my application and the Honorable J. J. Pickle could, if he really and honestly wanted to help, write to the TEC explaining the absense of eight years in my profession so that I could protect my profession through the Courts. Your staff could write down the necessary information so that it would be more convincing so that I could get employed. In the meantime because of the injustices, I am branded without anybody willing to give me a chance.

Another thing that the Honorable J. J. Pickle is able to do is to search in the different committees that he may be chairman or member of, and seek to find a position

that would require professional scientist with experience in writing scientific paper for publication or preparing quarterly reports for budget presentations. Projects of interest are: fuel cell technology, Catalytic conversion of energy from methanol, Solar energy studies or statistical studies using computers to generate information for making comparative studies.

Another method that J. J. Pickle can help is in many ways dependent on whether he is willing to achieve results. The problem is ...I was discriminated because I was the only MEXICAN AMERICAN SCIENTIST working at MERADCOM Fort Belvoir at that time (Jan. 1962-Dec 1977) Request an investigation to search the injustices being condone by MERADCOM Fort Belvoir and find the EEO MEMORANDUMS and MINUTES OF THE MEETINGS OF THE EEOAC (Equal Employment Opportunity Advisory Council) during 1975 through 1977. I was a member of the EEOAC and was advocating that the practices of MERADCOM FORT BELVOIR BE MORE EQUITABLE to allow minorities to participate in the UPWARD MOBILITY PROGRAM. Instead I was selected to participate in an ADVERSE STATUS and the outcome was termination of employment. If you search you will find the blatant acts of discrimination practiced at the installation. The EEOAC found that there was a selection rule that MERADCOM Fort Belvoir practiced. Selection of promotion was based on placing individuals on "on the job training" (OJT) for 3 to 6 months before the selection of personnel for promotion. It was found that the best qualified was always the person that was on OJT. Therefore, the majority of promotions went to mostly white, few blacks and no hispanics.

I was the only Mexican American Scientist and the break down for hispanics were as follows: 1 Puerto Rican 1 Costa Rican and 1 Mexican American (me). I was allowed to participate as a regular civil servant from the day I was hired. I rose from GS-5 (3 months); GS-7 (1yr 6 mo) GS-9 (2yrs) GS-11 (2yrs 3 mo) then to GS-12. The duration was from Jan. 1962 to June 1968. In approximately 6 years I rose from a GS-5 to a GS-12. I continued to perform satisfactory for the next 3 1/2 years until 1972. I requested to be given meaningful assignments and implement the UPWARD MOBILITY PROGRAM, BUT INSTEAD I was placed in ADVERSE STATUS The atmosphere was that the personnel coming in with less SENIORITY i.e. 6-8 years experience were selected for OJT

and then promoted. I was never allowed to participate in the meaningful assignments that were instituted to fulfill the mission of MERADCOM AT FORT BELVOIR. I was reminded that the PROJECTS THAT FULFILL THE MISSION OF MERADCOM AT FORT BELVIOIR HAD PRIORITY TOWARD PROMOTION!!! I was constantly being deprived of my basic constitutional right of EQUAL OPPORTUNITY. The Equal Employment Opportunity Commission exists as a cabinet agency and has its own EEO Officers. The EEO Officers of the DEPARTMENT of DEFENSE ARE NOT EEO Officers of the EEO COMMISSION, but instead are appointed by the Commander of MERADCOM FORT BELVOIR AND SERVE TO OBEY WHAT THE COMMANDER OF THE INSTALLATION DESIRES. In my case the EEO Officers of MERADCOM initiate an investigation which starts as a grievance. Then instead of finding what I was grieving about, I found myself in a tangle where it was not what I was grieving about, but instead, of what the supervisors wanted to achieve. No way the EEO Officers conducting the investigation could go against a SUPERVISOR because then the Commander would ignore the reports, remove the EEO Officer and at times demote or deprive them of further advancements. Note documents of the resignation letter from Ricardo Aued (Costa Rican) and Dario Emeric (Puerto Rican). These letters state the frustrations of providing input for hispanics, knowing real well that the whole exercise of providing equal opportunities was to be of no avail. The practice of discrimination at MERADCOM Fort Belvoir was a code of conduct. Only the whites and a few Blacks were being promoted. The record will show all these injustices and that is why my case was confined to the Merit Protection Board Agency decision obtained through a unilateral decision because I was placed on ADVERSE STATUS to obtain the necessary documents to terminate my employment. The Courts denied to hear my case as presented, and eight years were spent in the process since my case went from the District Court in Washington, D.C.; to the District Court in Alexandria, Virginia; to the Circuit Court in Richmond, Virginia; to finally the SUPREME COURT in Washington, D.C.

I stated once and I will state it again....

"I will protect my profession, my career, and my status for the rest of my life".

The bottom line is as follows:

PROFESSION: UNABLE to be gainfully employed.

CAREER: LOST retirement and all employee's benefits.
Career was completely destroyed.

STATUS: ERODED away-- lost the respect of my kids (now grown men and women) My oldest daughter in 1972 was 14 years old and the rest were 12, 9, 7, 6; In 1977 when I was fired, they were 19, 17, 14, 12, 11. I was unable to provide guidance when they need it the most.
I CHOSE TO TAKE MY CASE TO THE SUPREME COURT AND I AM CONFIDENT THAT EVENTUALLY I WILL BE HEARD!!!!

Honorable J. J. Pickle I seek your help because I desperately need a job. I am 52 (I was 44 when I got fired) and time marches on.

Sincerely,

Julio H. Calderon

cc/jhc

1. Hector F. Garcia
2. Honorable Solomon Ortiz
3. Honorable Albert G. Bustamantes
4. Ms Maria Elena Calderon Ramirez