

SOUND OFF!



VOL. IV, NO 14

THE NEWSLETTER OF VETERANS UNITED FOR TRUTH, INC.

“VETERANS STANDING UP FOR EACH OTHER”

10 MARCH 2009

FIRST CALL – NOTES FROM THE FRONT

PRESIDENT OBAMA, CAN WE HELP?

On 4 March President Obama signed a memo titled, “*Memorandum for the Heads of Executive Departments and Agencies*” in which he charged the OMB and many others to review their contracting rules and policies and to clean their acts up. The major subject of the memo is saving the taxpayers’ money – an estimated \$40B.

He says specifically, “*The Federal Government has an overriding obligation to American taxpayers. It should perform its functions efficiently and effectively while insuring that its actions result in the best value for the taxpayers.*”

Now if you just read the summary paragraphs, you would be pleased to note that the major theme of the memo is that no-bid contracts are bad, and proper competition is good. No argument at all.

Of course, very few of us read entire government documents anymore, and we certainly don’t go off and read all of the citations in those memos. I’m going to do that for all of us here in this editorial, because for us it really makes a difference. [Sorry this will make this editorial a little long.]

Buried in the memo is a charge that should interest all of us veterans and serving military very much more than just saving money. Way down in the memo he says “*Government outsourcing for services also raises special concerns.*”

Even further down the memo cites OMB Circular A-76, “**Performance of Commercial Activities**”, and says [emphasis added]:

“...[the circular] was based on the reasonable premise that while inherently government activities should be performed by Government employees, taxpayers may receive more value for their dollars if non-inherently government activities that can be provided commercially are subject to the forces of competition.”

Somewhere along the line, the “more value for their dollars” comment overtook the importance of “inherently government activities,” and trouble and mischief rushed in.

Many of us old soldiers have had “special concerns” about “government outsourcing” for a long time, and particularly for those actions that are defined as “inherently government activities”.

Again, deep in the OMB Circular it says:

“**5. Policy.** *It is the policy of the United States Government to: ...b. Retain Governmental Functions In-House. Certain functions are inherently Governmental in nature, being so intimately related to the public interest as to mandate performance only by Federal employees. These functions are not in competition with the commercial sector. Therefore these functions shall be performed by Government employees.*”

The Circular says under “Definitions”:
“e. An inherently Governmental function is a function which is so intimately related to the public interest as to mandate performance by Government employees.” ... “these functions include those activities which require either the exercise of discretion in applying Government authority or the use of value judgment in making decisions for the Government.”

The principal class of these acts is defined as:
“(1) The act of governing; i.e., the discretionary exercise of Government authority.” Among the examples are,

- *“management of Government programs requiring value judgments, as in direction of the national defense”;*
- *“management and direction of the Armed Services”;*
- *“activities performed exclusively by military personnel who are subject to deployment in a combat, combat support or combat service support role”;*
- *“direction of intelligence and counter-intelligence operations.”*

Towards the end of the memo he says [emphasis added]:

“I further direct the Director of the OMB, in collaboration with the aforementioned officials and councils, and with input from the public to develop and issue by September 30, 2009, Government-wide guidance to: ... (4) clarify when governmental outsourcing for services is and is not appropriate, consistent with section 321 of Public Law 110-417.”

PL 110-417 is the FY 2009 National Defense Authorization Act. Now that particular section of the Public Law charges the OMB with performing a “Comprehensive Analysis And Development Of Single Government-Wide Definition Of Inherently Governmental Function And Criteria For Critical Functions.”, the title of the section.

The first task the Congress and the President have given to the OMB is to:

“review the definitions of the term ‘inherently governmental function’ ... to determine whether such definitions are sufficiently focused to ensure that only officers or employees of the Federal Government or members of the Armed Forces perform inherently governmental functions or other critical functions necessary for the mission of a Federal department or agency [emphasis added].

Congress and the president also charge the OMB to:

*“develop criteria to be used by the head of each such department or agency to—
(B) identify each position within that department or agency that, while the position may not exercise an inherently governmental function, nevertheless should only be performed by officers or employees of the Federal Government or members of the Armed Forces to ensure the department or agency maintains control of its mission and operations;”*

All of these documents cite “**Title 31 501 Note**” as a reference. If we dig out that note in the US Code we find the current definition of “inherently governmental function”, which is:

The term ‘inherently governmental function’ means a function that is so intimately related to the public interest as to require performance by Federal Government employees.

“Functions included.—The term includes activities that require either the exercise of discretion in applying Federal Government authority or the making of value judgments in making decisions for the Federal Government, including judgments relating to monetary transactions and entitlements. An inherently governmental function involves, among other things, the interpretation and execution of the laws of the United States so as—

“(i) to bind the United States to take or not to take some action by contract, policy, regulation, authorization, order, or otherwise;
“(ii) to determine, protect, and advance United States economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management, or otherwise;
“(iii) to significantly affect the life, liberty, or property of private persons;
“(iv) to commission, appoint, direct, or control officers or employees of the United States; or
“(v) to exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the United States, including the collection, control, or disbursement of appropriated and other Federal funds.

Well, President Obama, consider all that follows “input from the public”. Perhaps more importantly, consider it as input from those who care deeply about outsourcing of military jobs and who have “been there and done that.”

Now you might expect that this was going to lead up to some diatribe against Blackwater (now “Xe”, whatever that is) or KBR (somehow no longer Halliburton, but who knows?) – far from it. Those contractors are merely manifestations of a larger and more fundamental problem,

There was some “outsourcing” in the past – Brown & Root and others like them performed a number of base support functions in Vietnam and elsewhere.

Nonetheless, if you performed an act that “advanced United States interests by diplomatic or military action” you were an employee – sometimes a draftee – of the United States. How can it ever be otherwise?

The broad dependency on “outsourcing” that has occurred since the demise of the draft in 1973 has masked a policy that can be stated as, “a lack of commitment by the US public to a military cause can always be overcome by money placed in the hands of for-profit corporations.”

This policy alone has changed the nature of US foreign and defense policy, and has completely changed the nature of military service.

We can’t get enough direct budget to increase the size of the military services to perform those services called out by the policy delineated in the OMB Circular – combat (infantry, ground and naval artillery, armor, fighters and bombers), combat support (engineers, intelligence, chemical, communications), and combat service support (MPs, supply, transportation, maintenance, legal, medical, administration).

If we had the budget, we couldn’t get enough volunteers to man the force.

So we substitute money for citizen service, and profit for patriotism.

Most of us who have been in combat know that there is no place there for non-combatants. Not only is it a very dangerous place for anyone, but everyone who is there needs to be under a single set of rules, and a unified command. Non-combatants aren’t constrained in that way so they are loose entities that confuse the combat situation beyond its already inherent complications.

Most of us who have been there also know that combat involves both mortal and moral choices that can only be counted on if they arise from a body of public servants who are under oath to support a national cause that goes beyond the exigencies of the immediate combat at hand. “Duty, Honor, Country” really does mean something, and it cannot be bought.

The service member who is riding shotgun for a contracted driver becomes subject to the “tactical” decisions of the driver.

The military patrol that proceeds into an area that has just been shot up by contract “security personnel” is subject to the revenge assault that is triggered by the arbitrary use of force by the contractors.

The airman or the sailor who needs immediate maintenance or ordnance support is dependent upon the “cost-effectiveness” and “profit-margin” decisions of someone who has no responsibility for the success of the mission.

The mission of the United States, whatever it is, must compete in the public eye with the mission goals that are perceived as a result of the actions of contractors over which the Government has only a contractual relationship, not a moral relationship cemented by an oath of service.

The nature of oath-bound service also changes when contractors perform those duties that all soldiers once performed for ourselves.

We didn't just fight together, we fed each other, we helped each other repair our equipment, we shared scarce supplies, we provided other services to each other such as laundry and showers, we watched each other's back, we even entertained each other – all in the same uniform, all under the same oath, all committed to the same national cause.

We became something that those bound only by contracts can never be— we became a “Band of Brothers and Sisters”, not just someone who was hired to do a dangerous or an inconvenient job.

So, President Obama, here is some “public input”.

If you want to fight a war, or if you must, then go all in. Wars are fought by nations, not by contracts.

Get contractors out of the combat zone. Yes, I know, that means that you'll have to bring back KP, but getting out of KP was one of the great victories of making E-4 and a real morale booster;

besides, they still pull it on ships at sea. Also, even though they might not join for other reasons, including the competition of contractor salaries, no one will stop joining just because they have to pull KP.

While you are at it, let's get contractors out of the VA also. Taking care of returning soldiers is also an “inherently government function”.

Without the contractors you will have to increase the force to do all those jobs that contractors are doing now, but you will be doing it with people who are under oath (and who get paid less anyway). They have to follow your orders or they will suffer for it; they are sworn to do so, and they don't demand that each act they take generates a profit.

Contractors aren't soldiers and soldiers aren't contractors. Always remember the difference!

If you can't expand the force because of the political burden of such a decision, then the people and their representatives aren't behind you and the war isn't important enough to fight anyway.

If a war must be fought, bring back the draft and use those whom you enlist and conscript to do the nation's business. If you can't bring back the draft, then the war isn't worth fighting.

Most wars aren't.[Ed.]

Please see the related discussion of foreign subcontracting at the end of the newsletter in **Add-on ~ STUFF OF INTEREST**

REVEILLE - WAKE-UP CALLS – CALLS TO ACTION

NEED LEGAL HELP IN AN APPEAL TO THE DVA?

Try these two websites: Veterans Consortium Pro Bono Program www.vetsprobono.org/index.htm. United States Court of appeals for Veterans Claims “Public List of Practitioners” are members of the court's bar www.vetapp.gov/practitioners/

WAKE UP! SPREAD THE NEWS!

Membership is open, free, and very worthwhile! Get your fellow veterans, and veterans' family members to join VUFT! We are beginning to be heard, and we need you to help us get the message out. If each of us would bring in one new member every month, what an impact we could have!

ASSEMBLY - PROGRESS OF THE ORGANIZATION

VCS - VUFT LAWSUIT UPDATE:

Class Action Suit: The appeal was filed in December and now the 9th Circuit Court of Appeals has ordered us to an Assessment Conference to determine if the case should be included in the court's Mediation Program. Our appeal goes on, even though we hope that the new administration will address the focus of our case directly and with vigor.

Case Progress to Date:

7/23/2007 Suit filed w/Federal District Court
9/25/2007 Defendant's Motion to Dismiss
2/11/2008 Motion for Preliminary Injunction
2/25/2008 Preliminary Injunction Hearing
4/21/2008 Trial
6/25/2008 Judgment based on jurisdiction

7/25/2008 Appeal notice filed w/9th Circuit Court of Appeals
12/10/2008 Appeal brief filed
12/15/2008 *Swords to Plowshares* and *Vietnam Veterans of America* file amicus briefs
12/22/2008 *Military Spouses for Change* and *United Spinal Association* file amicus briefs
3/4/2009 Appeal will not be subject to Mediation

Here is a link to the legal [documents](#) on the lawsuit.

BE A MEMBER If you are getting this newsletter and have not yet joined, please go to [our website](#) and join. Membership is free. The more our numbers grow, the greater voice we have. It shouldn't be that way, but it is, so join us and help us take the fight to Congress and the state legislatures. Please encourage your friends who either are veterans, are related to veterans, or who support veterans' causes to [join VUFT, Inc.](#)

SUPPORTING THE CAUSE If you wish to donate to our work you may now do so via PayPal or Visa on [our website](#) "[Donate](#)" page. Every little bit helps. We are a 501(c)(3): your donations are deductible on your federal taxes. You can also buy our handsome pins using the same method. If you wish to volunteer your services to the organization, please contact the Chair at rhandy@vuft.org or the Vice Chair at scook@vuft.org. Watch for details at www.vuft.org

**DO YOU PASS THIS NEWSLETTER ON TO ANYONE?
IF YOU DO. PLEASE LET US KNOW HOW MANY PEOPLE YOU SEND IT TO
NO NAMES, JUST NUMBERS**

MAIL CALL - LETTERS FROM MEMBERS AND OTHERS [SOME EDITED FOR LENGTH]

Sandy,

Your lead article in the latest Sound Off proposing a new approach for the VA bureaucracy was timely and on point. How can you get message this to the Obama administration? If you find an open door, I hope that you will also address an issue tangentially raised but inadequately treated in your article.

In the fiscal responsibility seminar that President Obama held on Monday of this week, one break-out group reported back a consensus that the whole system of contracting-out vital governmental functions had become outrageously costly, dysfunctional, a source of feather-bedding and corruption and that because of all this, the contracting-out practice simply had to be radically reformed. The major emphasis should be primarily to phase out the contractors and return most functions to qualified, well trained, career public servants.

Nowhere is this reform more urgently needed than in the VA and in the whole military/defense apparatus.

Harlan [Hobgood] **THANKS HARLAN FOR INSPIRING THIS ISSUE'S EDITORIAL**

RECALL - FEDERAL AND STATE LEGISLATION AND LEGISLATORS

HOUSE SUBCOMMITTEES PROBE MISHANDLING OF VETERANS DISABILITY CLAIMS

March 4, 2009

VA Inspector General: "Had we not discovered this situation, some veterans claims may have languished with no action or been inappropriately denied."

Washington, D.C. – On Tuesday, March 3, 2009, the House Veterans' Affairs Disability Assistance and Memorial Affairs Subcommittee, led by Chairman John Hall (D-NY), and the Oversight and Investigations Subcommittee, led by Chairman Harry Mitchell (D-AZ), conducted a joint hearing on "Document Tampering and Mishandling at the Veterans Benefits Administration." Since October 2008, the Veterans Benefits Administration (VBA) of the Department of Veterans Affairs (VA) has come under fire for three specific problems: misdating of claims at the New York Regional Office, shredding documents wrongly placed in shredder bins, and denying widows survivor benefits. <More at: www.vawatchdog.org/09/hcva09/hcva030409-2.htm>

AKAKA INTRODUCES BILL TO IMPROVE VOCATIONAL REHABILITATION FOR DISABLED VETERANS

March 3, 2009

WASHINGTON, D.C. - Today U.S. Senator Daniel K. Akaka (D-HI), Chairman of the Veterans' Affairs Committee, introduced the Veterans Rehabilitation and Training Improvements Act of 2009.

"Veterans disabled in our current wars are transitioning from military service into a challenging economy that is contracting at historic rates. This bill will give these new veterans more of the help they need by increasing program flexibility and boosting the living stipend for disabled veterans undergoing rehabilitation. These men and women have paid the cost of war, and now we must do more to assist them as they transition back into civilian life," said Akaka.

Chairman Akaka's veterans' rehabilitation bill would:

- Allow the VA Vocational Rehabilitation program more flexibility in paying for rehabilitation-related expenses incurred by recovering veterans who successfully complete programs;
- Boost the living stipend for veterans undergoing rehabilitation, which will narrow the difference between the vocational rehab stipend and the 21st Century GI Bill; and
- Remove the annual cap on the number of veterans who may enroll in VA's Independent Living program, which assists severely-disabled veterans in achieving greater independence in their daily lives.

To view Chairman Akaka's floor statement on the bill, click [here](#).

www.blackanthem.com/News/Veteran_Affairs_27/Akaka-Introduces-Bill-To-Improve-Vocational-Rehabilitation-for-Disabled-Veterans19303.shtml

VETERANS GROUPS PRESENT LEGISLATIVE GOALS AT JOINT HEARING OF HOUSE AND SENATE VETERANS' AFFAIRS COMMITTEES

March 6, 2009

Washington, D.C. - On Thursday, March 5, 2009, Chairman Bob Filner (D-CA) of the House Veterans' Affairs Committee and Chairman Daniel Akaka (D-HI) of the Senate Veterans' Affairs Committee held a joint hearing to receive the legislative presentation of the American Ex-Prisoners of War, Blinded Veterans Association, Gold Star Wives of America, Iraq and Afghanistan Veterans of America, Jewish War Veterans of the United States of America, Paralyzed Veterans of America, and Wounded Warrior Project. The hearing was the second of the 111th Congress in which the Senate and House came together to receive the legislative agendas from veterans service organizations, as the Disabled American Veterans gave their legislative presentation on February 24, 2009.

Leaders of the veterans service organizations raised concerns from the veterans community. Issues discussed at the hearing included fully funding the health care budget of the Department of Veterans Affairs (VA) one year in advance, decreasing the backlog of veterans claims, improving care for female veterans, advancing mental health services for veterans suffering from post-traumatic stress disorder and traumatic brain injury, providing additional support to veterans' families and caregivers, and ensuring that veterans have viable opportunities for employment, education, and housing.

<More at: www.vawatchdog.org/09/hcva09/hcva030609-1.htm>

RETREAT – NEWS

OBAMA SETS FIRM WITHDRAWAL TIMETABLE FOR IRAQ

Ben Feller - Feb 27,

CAMP LEJEUNE, N.C. (AP) - President Barack Obama consigned the Iraq war to history Friday, declaring he will end combat operations within 18 months and open a new era of diplomacy in the Middle East. "Let me say this as plainly as I can: By August 31, 2010, our combat mission in Iraq will end," Obama told Marines who are about to deploy by the thousands to the other war front, Afghanistan. Even so, Obama will leave the bulk of troops in place this year, contrary to hopes of Democratic leaders for a speedier pullout. And after combat forces withdraw, 35,000 to 50,000 will stay behind for an additional year and half of support and counterterrorism duties. <More at: www.sacbee.com/838/story/1657839.html>

PRESIDENT AFFIRMS COMMITMENT TO VETERANS

WASHINGTON, March 3 /PRNewswire-USNewswire/ --

President Barack Obama's proposed Fiscal Year 2010 budget for the Department of Veterans Affairs (VA) affirms his administration's promise to swiftly address the needs of America's veterans, particularly those who are serving in the current

conflicts in Iraq and Afghanistan. The 15% increase proposed by the president will greatly improve delivery of critical health care, seamless transition from military service to veteran status, and the processing of veterans' benefits claims.

<More at: <http://news.prnewswire.com/ViewContent.aspx?ACCT=109&STORY=/www/story/03-03-2009/0004982091&EDATE=>>

IRAQ VETERAN'S IDENTITY STOLEN

Sandra Chapman/Eyewitness News - WTHR-TV - Feb. 27, 2009

Indianapolis - After a year serving in Iraq, an Indiana soldier is fighting a different fight at home. Someone stole Craig Browder's identity and racked up thousands of dollars in hospital bills and parking violations.

When the Indiana Army National Guard's 76th Infantry Brigade took its bow at Lucas Oil Stadium last month after a year of service in Iraq, 37-year-old Craig Browder was there.

But his happy homecoming has dissolved into a nightmare. He's received notices from the BMV and hospital bills accusing him of driving while suspended and skipping out on medical bills. But according to Browder, there's one huge problem. The 2008 infractions occurred while he was on active duty.

... "Why do I even have to do a court date? I just proved I wasn't even in the country. I was halfway around the globe," said Browder. <More at: www.msnbc.msn.com/id/29415091/>

GATES LIFTS BAN ON FLAG-DRAPED CASKET PHOTOS

William H. McMichael - Staff writer - Feb 27, 2009

Defense Secretary Robert Gates has lifted the ban on media coverage of the flag-draped caskets of war dead being returned to Dover Air Force Base, Del., reversing a policy in place since the 1991 Gulf War. Coverage will now be decided on a case-by-case basis, with the families of the service members making the call on whether the return of their loved ones can be filmed or reported upon.

"After receiving input from a number of sources, including all the military services, and organizations representing military families, I have decided that the decision regarding media coverage of the dignified transfer process at Dover should be made by those most directly affected: on an individual basis by the families of the fallen," Gates said. "We ought not presume to make that decision in their place." <More at: www.armytimes.com/news/2009/02/military_caskets_photos_banlifted_022609w/>

PENTAGON'S UNWANTED PROJECTS IN EARMARKS

R. Jeffrey Smith and Ellen Nakashima - Washington Post Staff Writers - March 8, 2009

When President Obama promised Wednesday to attack defense spending that he considers wasteful and inefficient, he opened a fight with key lawmakers from his own party.

It was Democrats who stuffed an estimated \$524 million in defense earmarks that the Pentagon did not request into the 2008 appropriations bill, about \$220 million more than Republicans did, according to an independent estimate. Of the 44 senators who implored Defense Secretary Robert M. Gates in January to build more F-22 Raptors -- a fighter conceived during the Cold War that senior Pentagon officials say is not suited to probable 21st-century conflicts -- most were Democrats.

And last July, when the Navy's top brass decided to end production of their newest class of destroyers -- in response to 15 classified intelligence reports highlighting their vulnerability to a range of foreign missiles -- seven Democratic senators quickly joined four Republicans to demand a reversal. They threatened to cut all funding for surface combat ships in 2009. Within a month, Gates and the Navy reversed course and endorsed production of a third DDG-1000 destroyer, at a cost of \$2.7 billion.

<More at: www.washingtonpost.com/wp-dyn/content/article/2009/03/07/AR2009030702216_pf.html>

INTELLIGENCE FAILURES CRIPPLING FIGHT AGAINST INSURGENTS IN AFGHANISTAN, SAYS REPORT

Peter Beaumont - The Guardian - 6 March 2009

A highly critical analysis of the US-led coalition's counterinsurgency in Iraq and Afghanistan has raised serious questions about combat operations in both countries - and the intelligence underpinning them. The confidential document presents a bleak picture of a counterinsurgency effort undermined by intelligence failures that at times border on the absurd. Based on scores of interviews with British, US, Canadian and Dutch military, intelligence and diplomatic officials - and marked for "official use only" - the book-length report is damning of a US military often unwilling to share intelligence among its military allies. It depicts commanders in the field being overwhelmed by information on hundreds of contradictory databases, and sometimes resistant to intelligence generated by its own agents in the CIA.

<More at: www.guardian.co.uk/world/2009/mar/06/us-intelligence-afghanistan>

WAR WIDOWS' GROUP UPSET THEY COULDN'T MEET WITH PRESIDENT

Lindell Kay - February 28, 2009

An Iraq War widow says she is disappointed her support group did not get to meet with President Barack Obama during his brief visit to Camp Lejeune on Friday. Deborah May, a member of the surviving spouses support group, told The Daily News late Friday afternoon that she asked repeatedly for an opportunity to meet with the president, but was rebuffed by base officials and White House representatives. A White House staff member who spoke to The Daily News on the condition of anonymity because he was not authorized to speak publicly about the situation said the president wanted to meet with several groups, but could not because of time constraints.

"(Obama) met with the families of the two Marines he talked about in the speech, and several wounded Marines and their families," the staff member said. "He had hoped to meet with Gold Star Families but was advised that with the short time frame on planning the trip, it was unable to be put together."

May, whose husband was killed in the first week of the war in 2003, said she would have been happy to be able to attend the speech, but base officials refused her a ticket. <More at: www.jdnews.com/news/meet_62703_article.html/president_marine.html>

TO THE COLORS - GATHERINGS

<u>Date</u>	<u>Time</u>	<u>Where</u>	<u>What</u>	<u>Who</u>	<u>Notes</u>
3/9-3/10		Crystal Lake, IL	Resource Fair	Amy Johnson	815-455-5190
3/12	1100-1400	Radisson Martinique On Broadway Hotel, 49 WEST 32ND STREET New York, NY 10001	New York Career Fair		
3/12	1000-1600	Virginia Beach Convention Center 1000 19th Street, Virginia Beach, VA	Mid-Atlantic Regional Career Event		Register
3/13		Charlotte, NC	Resource Fair	Joseph Rapley	704-336-6072
3/17	1100-1400	Crowne Plaza 1450 Glenarm Place Denver, CO	Denver Career Fair		
3/21		Cocoa, FL	Resource Fair	Bill Vagianos, PhD	321-431-0364
3/21	1200	23 rd St & Constitution Ave. Washington, DC	March on the Pentagon	ANSWER	
3/25-26		Las Vegas, NV	Resource Fair	Shalimar T. Cabrera	702-366-0456 x-226
3/26		Raleigh, NC		Frank Lawrence	919-508-0718
4/16	0800-1600	Veterans Business Outreach Center 7270 East Southgate Drive, Suite 1 Sacramento, CA	Summit on the Mental Health & Wellness of Veterans and Their Families	Swords to Plowshares	

We are a non-partisan organization. We will advertise all legitimate veterans' events, regardless of purpose.

TATTOO - CURRENT ISSUES

AGREE! 2 YEARS STINKS! SO WHY DOES IT STILL TAKE 100 DAYS – THAT ALSO STINKS! DEFENSE, VA REFORM EVALUATION SYSTEM FOR SERIOUSLY INJURED VETS

Army Staff Sgt. Michael J. Carden - American Forces Press Service - February 23, 2009

Two years is much too long to determine service disabilities, especially when the injuries obviously qualify a service member for full benefits and compensation, a senior Defense Department official said Feb. 23.

Until recently, that's how long it took all military members to reach 100-percent-disabled status in terms of their disability compensation and medical benefits through the departments of Defense and Veterans Affairs. Regardless of the severity of the injuries, all went through multiple medical evaluations and screenings first with the military, only to go through the same process again with VA, Air Force Maj. Gen. Keith W. Meurlin, acting director of the Defense Department's transition policy and care coordination office, explained.

Often, it can take up to two years to complete the evaluations and another nine months to start receiving benefits, Meurlin added.

"Why put [seriously injured combat veterans] through a two-year process when you basically know the outcome -- that they're going to be 100-percent disabled?" Meurlin said. "And why wait two years to get their VA benefits to them?"

Now, veterans seriously wounded in combat and identified as "catastrophically wounded" go through an expedited disability evaluation process that lasts about 100 days to begin receiving benefits. If veterans are recognized as fitting into that category, they will forego the redundancy of separate Defense and VA medical evaluations and go through the VA process only, the general said. <More at: www.health.mil/Press/Release.aspx?ID=554>

NOTE: This story is a brief example of the problem. It has been reported that when MAJ Tammy Duckworth (former Illinois VA Head and now Assistant Secretary of Public and Intergovernmental Affairs in the DVA) reported for an evaluation standing on her two prosthetic lower legs, the interviewer wanted proof that she had lost her lower legs and the use of one arm in combat! Apparently VSOs in Illinois are not required to read the papers.

UNOPENED CLAIMS LETTERS HIDDEN AT VA OFFICES

Rick Maze - March 03, 2009

A new report about Veterans Affairs Department employees squirreling away tens of thousands of unopened letters related to benefits claims is sparking fresh concerns that veterans and their survivors are being cheated out of money. VA officials acknowledge further credibility problems based on a new report of a previously undisclosed 2007 incident in which workers at a Detroit regional office turned in 16,000 pieces of unprocessed mail and 717 documents turned up in New York in December during amnesty periods in which workers were promised no one would be penalized.

"Veterans have lost trust in VA," Michael Walcoff, VA's under secretary for benefits, said at a hearing Tuesday. "That loss of trust is understandable, and winning back that trust will not be easy."

Unprocessed and unopened mail was just one problem in VA claims processing mentioned by Belinda Finn, VA's assistant inspector general for auditing, in testimony before the House Veterans' Affairs Committee. Auditors also found that the dates recorded for receiving claims, which in many cases determine the effective date for benefits payments, are wrong in many cases because of intentional and unintentional errors, Finn said. The worst case uncovered by auditors involved the New York regional office, where employees testified that managers told staff to put later dates on claims to make it appear claims were being processed faster. <More at: <http://federaltimes.com/index.php?S=3972715>>

W.VA. GUARD MEMBERS MAY HAVE BEEN EXPOSED TO TOXIN IN IRAQ

Farah Stockman - Boston Globe Staff - February 28, 2009

WASHINGTON - The West Virginia National Guard is trying to track down 130 reservists who were probably exposed to a cancer-causing chemical in 2003 while guarding a water facility in southern Iraq.

The move follows similar efforts by the Indiana and Oregon National Guards, whose soldiers were also believed to have been exposed to sodium dichromate. The soldiers were guarding civilians who were repairing the Qarmat Ali plant under the supervision of Houston-based defense contractor KBR.

<More at: www.boston.com/news/health/articles/2009/02/28/wva_guard_members_may_have_been_exposed_to_toxin_in_iraq/>

IRAQ VET GETS PINK SLIP - NEW BEDFORD FIREFIGHTER LAID OFF

thebostonchannel - March 4, 2009

NEW BEDFORD, Mass. -- The budget battle being waged in cities and towns across Massachusetts reached the front lines last week, when a soldier serving his third tour of duty in Iraq received his pink slip. NewsCenter 5's Kelley Tuthill reported that Leo Pike, who was deployed to Iraq again in September with the Navy Reserves, opened his mail Thursday and learned that he will be losing his job as a New Bedford firefighter.

"He loves being a firefighter," said Pike's fiancée Renee Garbitt. "He loves his job and he says that he's one of those people that's happy to go to work every day."

Garbitt, who is raising their 2-year-old son, Leo, on her own while Pike is deployed over seas, said that the layoffs were enacted with little consideration for the disadvantages the family would face as a result of Pike's military service.

"He's going to have to come home to no job and, now, competing with 76 others who have had quite a head start on him," Garbitt said. <More at: www.thebostonchannel.com/news/18852988/detail.html>

18 DEATHS IN FEBRUARY INVESTIGATED AS POSSIBLE SUICIDES

Michelle Tan - Staff writer - Mar 5, 2009

As many as 18 soldiers killed themselves in February, Army officials announced March 5.

Of the 18 cases in February, two are confirmed as suicides and 16 others remain under investigation. About 90 percent of such pending cases typically are ruled suicides.

Seventeen of the soldiers were male; one was female. Of the deaths, 14 occurred in the U.S. and four overseas.

Last month's numbers are higher than the previous February, when 11 soldiers' deaths were confirmed as suicides.

<More at: www.armytimes.com/news/2009/03/army_suicides_030509w/>

HOW'S THIS FOR INSTITUTIONAL DENIAL?

ARMY SAYS DEPLOYMENTS NOT LINKED TO SUICIDES

March 5, 2009

The Army released frightening new suicide statistics Thursday, but suggested the wars in Iraq and Afghanistan have little to do with this alarming trend. In fact, the vice chief of staff of the Army said that after reviewing suicide statistics for 2008, multiple combat deployments actually make soldiers less likely to commit suicide.

"The rational person might think the more deployments, the more likely you are to commit suicide, but we saw exactly the opposite," said Gen. Peter Chiarelli. "A certain resiliency seems to grow in an individual who has multiple deployments."

Chiarelli and other Army officials released the February statistics on a conference call with online journalists Thursday. Last month, the number of Army suicides nearly equaled that of soldiers killed in combat. Among active-duty, National Guard, and Reserve soldiers, there were 18 unconfirmed suicides and 20 combat-related deaths in February.

"This is not business as usual," Chiarelli said.

While that may be the case, Army suicides are becoming more and more frequent. In January, 24 soldiers killed themselves, more than died in combat in Iraq and Afghanistan combined. At least 138 soldiers took their own lives in 2008, up from 115 in 2007. <More at: www.salon.com/politics/war_room/2009/03/05/suicides/index.html>

REVIEW BOARD MAY DISAPPOINT DISABLED VETS

Tom Philpott - Special to Stars and Stripes/Pacific edition - February 28, 2009

Complaints from veterans and from a high-profile commission that the services routinely were "low-balling" disability ratings for military members spurred Congress to take action last year.

Among other things it ordered the Department of Defense to create a special board to review disability ratings of 20 percent or less given to members who separated since Sept. 11, 2001. Thousands of veterans had higher ratings and additional benefits at stake from any fresh review.

But the new Physical Disability Board of Review (PDBR), which began accepting applications last month, isn't going to do what some in Congress and many veterans hoped that it would. It will not be reassessing ratings for mental and physical conditions from applicants based solely on the more liberal criteria used by raters at the Department of Veterans Affairs.

The Veterans Administration Schedule for Ratings Disabilities, or VASRD, will only be used to its full effect in reviewing lower disability ratings awarded on or after Jan. 28, 2008. <More at: www.stripes.com/article.asp?section=104&article=61018>

ANOTHER VICTORY FOR THE DVA – 8500 MILES AND 64 YEARS AWAY

WAR VETERAN DIES WITHOUT GETTING CLAIM

Carine M. Asutilla - Cebu Daily News - February 26, 2009

He had priority number 556 for his interview. But it was a day too late for World War II veteran Benito Dumaguít. Dumaguít, 84, died at his home in Gorordo Avenue, Cebu City yesterday from a heart ailment, on the same day he was supposed to be interviewed at Camp Lapu-Lapu so he could avail of the U.S. compensation for Filipino war veterans.

Dumaguít's son, Gil, with his father's documents in hand, went to Camp Lapu-Lapu yesterday to check with the Philippine Veterans Affairs Office if the family could still receive the benefit that Benito was supposed to get.

But PVAO said they have to follow the policy of the United States Veterans Administration (USVA) that a veteran who died before his scheduled interview could no longer benefit from the compensation.

<More at: <http://globalnation.inquirer.net/cebudailynews/news/view/20090226-191183/>>

LET'S HEAR IT FOR TIMELY SERVICE AND RESPONSIVENESS TO CONGRESS

VA TO REIMBURSE VETS WHO PAID FOR NURSING HOME CARE

Martin C. Evans - March 3, 2009

The Department of Veterans Affairs, stung by criticism that its slow action has forced some severely disabled veterans to spend themselves into poverty, has moved to implement a two-year-old law requiring it to reimburse such veterans for the cost of care at state-run nursing homes.

The VA sent letters to the nation's 137 state veterans nursing homes - including ones in Stony Brook and St. Albans, Queens - saying they expect to begin processing reimbursements within 90 days.

A bill signed into law by President George W. Bush in 2006 required the VA to reimburse the full cost for veterans with a 70 percent or greater service-connected disability who require nursing home care. But although Congress specified that the law be implemented by March 21, 2007, the VA still has not begun issuing payments. A VA spokesman said no one was available to explain the two-year delay. <More at: www.newsday.com/news/health/ny-linurs0412513191mar04.0.4850734.story>

COURT TURNS DOWN AGENT ORANGE CASES

March 2, 2009

The Supreme Court has turned down American and Vietnamese victims of Agent Orange who wanted to pursue lawsuits against companies that made the toxic chemical defoliant used in the Vietnam War.

The justices offer no comment on their action Monday, rejecting appeals in three separate cases, in favor of Dow Chemical, Monsanto and other companies that made Agent Orange and other herbicides used by the military in Vietnam.

<More at: http://hosted.ap.org/dynamic/stories/S/SCOTUS_AGENT_ORANGE?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2009-03-02-10-21-40>

TAPS – PASSINGS AND WAR STATISTICS

OIF/OEF – HACK DATE TUESDAY 9 MARCH 2009

OPERATION IRAQI FREEDOM (2,182 DAYS)

KILLED US	4,256
WOUNDED US [2/28/09]	31,102
OTHER US CASUALTIES [2/28/09]	≥36,106
DIED OF SELF-INFLICTED WOUNDS [2/28/09]	177
MISSING OR CAPTURED US	1
KILLED UK	179
KILLED OTHER COALITION	139
WOUNDED/INJURED COALITION	1,819
**KILLED CONTRACTORS [11/9/08]	1,182
KILLED IRAQI POLICE/MILITARY [1/03/09]	≥ 48,874
KILLED IRAQI CIVILIANS [3/9/09]	≥ 99,433 - 668,051
WOUNDED IRAQI MIL/CIVILIANS [11/9/08]	≥ 400K – 1.374M
IRAQ REFUGEES INT./EXT. [9/27/07]	2.1M/2.5M

OPERATION ENDURING FREEDOM (2,711 DAYS)

KILLED US	662
WOUNDED US [2/28/09]	2,713
OTHER CASUALTIES US [2/28/2009]	7,639
DIED OF SELF-INFLICTED WOUNDS [2/28/09]	29
KILLED COALITION	435
WOUNDED/INJURED COALITION (12/2/2007)	1,602
KILLED AFGHANI POLICE/MILITARY	≥ 8,619
KILLED AFGHANI CIVILIANS (2/24/2009)	≥ 7,373
WOUNDED AFGHANI MIL/CIVILIANS (2/24/2009)	46,322
AFGHAN REFUGEES INT./EXT. [9/27/07]	1.75M/4.8M
COST OF IRAQ WAR TO DATE	\$603,416,024,899

NOTE: SOME NUMBERS DO NOT CHANGE BETWEEN ISSUES BECAUSE UPDATED FIGURES ARE NOT AVAILABLE AT PRESS TIME

* This entry has been changed to "Non-mortal casualties" which includes wounded, non-hostile casualties, and diseased where medical air transport was required. To see detailed demographic data on the casualties go to

<http://siadapp.dior.whs.mil/personnel/CASUALTY/castop.htm>

** Includes 280 additional contractor casualties reported in international press but not in US official figures

NATIONAL GUARD AND RESERVE ACTIVATED AS OF MARCH 3, 2009

This week the Navy and Marine Corps announced an increase, while the Army, Air Force and Coast Guard announced a decrease. The net collective result is 272 fewer reservists activated than last week. At any given time, services may activate some units and individuals while deactivating others, making it possible for these figures to either increase or decrease. The total number currently on active duty from the Army National Guard and Army Reserve is 94,472; Navy Reserve, 6,390; Air National Guard and Air Force Reserve, 15,487; Marine Corps Reserve, 7,307; and the Coast Guard Reserve, 666. This brings the total National Guard and Reserve personnel who have

been activated to 124,322, including both units and individual augmentees. A cumulative roster of all National Guard and Reserve personnel who are currently activated can be found at <http://www.defenselink.mil/news/Mar2009/d20090303nqr.pdf>

AFTERTHOUGHTS ~ MISCELLANEOUS AND OTHER STUFF

SAN DIEGO STATE EXTENDS WELCOME MAT FOR VETERANS

Tony Perry - March 4, 2009

Marine Lance Cpl. Elmer Ugarte, recuperating from being shot in the shoulder during a firefight in Iraq, is thinking of going to college once his active-duty service is finished.

"I made some history in Iraq," the 22-year-old Ugarte laughed. "Now I think I'd like to study history."

Ugarte was among a dozen Marines brought to San Diego State University last week for the kind of VIP treatment usually reserved for the star athletes the Aztecs are recruiting.

The Marines were told of various fields of study, including some in which their military service gives them an advantage, such as the new major in international security and conflict resolution.

A top administrator promised to guide their applications through the admissions and financial-aid process. They met with student leaders and with veterans who are already attending San Diego State.

The day was topped off with dinner, a greeting from the football homecoming queen and seats at the basketball game against Brigham Young University.

... Officials at San Diego State, which is in the nation's largest military community, are determined to make the campus a leader in attracting veterans and supporting their educational endeavors. A veterans center has been established and fundraising continues for scholarships (Wal-Mart contributed \$100,000). There is talk of creating military-only housing along fraternity row. If a veteran lacks the courses or grades for admission, his or her file will be reviewed by an administrator, a retired Army lieutenant colonel. Once enrolled, veterans get priority in selecting classes. <More at: www.latimes.com/news/local/la-me-veterans4-2009mar04_0_4597884_story>

ADD-ON ~ STUFF OF INTEREST

SUBCONTRACTING – FRAUD & SLAVERY

Whether or not you agree that outsourcing military duties to contractors is wrong, there is a hidden component in contracting in the Middle East that deserves more attention, and that is the subcontract for labor and services. Well over 100,000 of the contractors in Iraq are local hires, not Americans drawing big salaries. Either unknowingly, or unwilling to know, American firms over there are participating in or condoning a modern form of indentured servitude.

While I have never been involved in contracting in Iraq, I have negotiated contracts in a number of other Middle East countries. The situation I found there was so consistent among the various countries that I would wager a year's pay that it is similar, if not identical in Iraq today. Let me explain.

When American or other foreign contractors compete (or not) for in-country contracts there is always a requirement that as much hiring as possible be done locally. Contractors are eager to comply since it can cost hundreds of thousands of dollars per year to bring Americans to the Middle East. In almost any job classification local hires, and particularly "Third County Nationals" (TCNs), are available for a fraction of the cost. TCNs are hired for all sorts of jobs – janitors, secretaries, engineers laborers, supply clerks, drivers, security guards, you name it.

There are a few things you can be sure about your subcontractor:

1. You won't get your contract unless you pick the "right" subcontractor.
2. He will be more like an in-country senior partner than an employee.
3. He will know US procurement regulations as well or better than you.
4. He will also know all of the details of the US "Foreign Corrupt Practices Act".
5. He knows precisely which side his bread is buttered on and it's not your butter he's concerned about, except to extract as much of it as he can from you to pass on to his governmental patron and his silent and secret partners, usually his or his patron's relatives.

When you publish your request for proposal you will get three or four responses, although only your partner will really make a serious bid – he will have arranged for friends to submit higher or non-responsive bids – phony competition.

Almost every position will be proposed as being filled by a TCN (the locals don't really work much). Your partner's bid will be precise and will list the person by nationality who will fill that position. Secretary – Philippines; janitor – Bangladesh; clerk – Pakistan; security guard – Eritrea or Sudan (they are mean you-know-what's); engineer or IT specialist – Egypt; translator – Lebanon. Middle management positions will be filled by locals, all of whom must have a TCN assistant even though you didn't ask for them in your bid. The locals will never do one minute of work, but you will pay. New, unasked for positions will be proposed for more locals. These will be "liaison" or "coordinator" positions, and will be very high priced. These will go to his cousins, or to his patron's wife's idiot nephew. You may even see them once in awhile, and you have to provide them a private office.

Facilities will be bid as being provided by another firm, usually not the subcontractor – you will later find out, maybe, that the facilities provider is an uncle or a cousin of your partner. Transportation will be provided, at a very high price, by a firm probably owned by a first cousin or a tribal chief. The cars, once paid for many times over in rentals, will be given to his family or patrons at the end of the contract.

You will negotiate the contract, succumb to the local demands, and here is where the mischief really starts.

The subcontractor has to pay off a lot of people. All of his relatives have to make a profit and his patron – a cabinet minister or a general – has to really clean up. These payments and profits are clearly in violation of US law, but that is no problem. He can't get bribe money from you so he will get it from the people who cannot fight back – the TCNs.

He will hire in for all of the positions as agreed. These people, many of whom will already be in-country, have to be flown in from their native land according to his bid. They have to be paid, and each is paid according to an agreement between the host country and the TCNs country – an arrangement that you cannot fathom but your subcontractor will tell you what it says. They have to have housing; you are a good employer so you negotiate two TCNs to a flat. They have to have per diem; you agree. They have to have transportation; you agree to two per small car. They have to have an "education allowance" so that they can take language courses and attend "cultural training". They have to go home once a year for one month with pay to visit their families.

Then the reality sets in, a reality that you may never discover unless one of your TCNs tells you about it. They seldom do because they are terrified that they will lose their employment or worse. They are at the mercy of their boss, your subcontractor, who holds their passports and can have them imprisoned or deported at any time on any charge. If they are dismissed, they are charged for their transportation home and a fee to hire their replacement, and they can't leave the country until the fee is paid (which doesn't accrue to your contract – you won't know about it).

He puts them up in a one-room hovel, eight to a room. He transports them by mini-bus, instead of those cars you are paying for. He pays them less than you agreed. He cuts their per diem in half. He pockets most of their travel money and if he ships them home for their annual leave, they go in chartered cattle cars instead of the commercial tourist class accommodations you pay for. Also, they may have to work for him for no pay on their regular days off.

Now the subcontractor has all the money he needs to pay bribes and to ensure profits to his partners. Don't worry though, his books will be immaculate, and will meet US government accounting standards with precision. Every dime you pay him will be accounted for in direct relation to his bid.

But he is running a semi-slave trade in the TCNs who work for you. If they complain they are deported. If they fight for their agreed pay and benefits, they are imprisoned.

Why do they put up with it? Because no matter how bad it is working for you, it is probably worse at home and they have families at home they have to support. Amazingly, even though they are short-changed at every turn, they still manage to send money home. Of course their employer, your subcontractor charges them for that service too.

So we turn a blind eye and participate in wholesale near-slavery. Just thought you ought to now in case you thought all those contractors are getting rich in Iraq.

As Paul Harvey [R.I.P.] would have said, "That's the rest of the story."

NOTICE

If at any time you cannot open a link in this newsletter to an article or web page that interests you, please let me know at scook@vuft; I keep a copy of most of the full articles, or can research an alternative route to the information. [Ed.]

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EDITOR'S NOTE: I have been asked what guides my selection of articles. In general, I try to stick with articles that deal exclusively with our target group: serving military, veterans, retirees, and their families. I also favor articles that deal with the effect of Legislative or Executive inaction or bad actions that adversely affect our target group. I try not to pick those articles that have already been beaten to death in the regular press, but rather try to bring the reader articles that he or she might not run across in another medium. While we are non-partisan, I do not believe articles critical of government actions to be partisan as long as they are accurate and fair. Criticism, like dissent, is fair. Finally, I screen hundreds of articles for inclusions and for every article I include, I throw five or six away – good articles, but not as important as the ones selected.

I always appreciate contributions, whether it is opinion in Letter-to-the-Editor form, or articles that the reader believes would be good for our readership. Since I get a chance to vent once in awhile in these newsletters, I will certainly consider Op-Ed copy for inclusion. I always welcome reader comment or complaint. [Sandy Cook](#), Editor