



Centennial Post 209

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Colorado Springs, CO. ~~80930~~ 80935

BULLETIN

JULY 1979

MEETINGS:

As announced in the last bulletins, Post 209 meetings are now held once each month on the third Thursday, at 7:30 P.M. Our next meeting will be on Thursday, July 19, at Moore Realty Company. The program will consist of a de-briefing on Boys' State by our two delegates. We urge all of our members to attend this meeting and meet these fine young men who represented our post at Boys' State.

We have three members who have not yet been initiated. We hope that these Legionnaires will attend the July meeting, in which case we will conduct a formal initiation ceremony: Thomas J Davis, Lynn D Porter, and Edward D Wooley.

DOWN-THE-ROAD:

Three important events are coming up during the next few months. Put them on your calendar, and plan to attend.

Sunday, August 26 -- Employees of the Rocky Flats nuclear plant in Denver are sponsoring a rally in support of nuclear power. We have all seen on TV and read in the papers about the anti-nuclear power demonstrations so loudly touted by Hanoi Jane Fonda and others of her persuasion. The choice is not nuclear power or some other form of energy -- it is nuclear power or nothing. In spite of the Three Mile Island incident, there are no recorded cases of deaths due to nuclear power plants. While there are undoubted dangers associated with nuclear power, the same is true of all other forms of energy production. The Legion in Colorado has been invited to support the rally on August 26. We are planning to have a delegation from Post 209 attend, and invite any and all interested members to be a part of it.

Saturday, September 8 -- Patient activity day at the VA Hospital, Fort Lyon, Colorado. If you have never attended one of these annual events, you have a treat in store. The purpose is to entertain the patients of the hospital, and at the same time to enjoy yourself and meet the patients and staff of the hospital and volunteers from other veterans' organizations throughout the state. Plan to attend.

Sunday, November 11 -- Veterans' Day observance at Memorial Park. This annual event is sponsored by the Pikes Peak Veterans and Military Council. This is a must! Take a look at the Preamble to our Constitution -- and come out on Veterans Day to honor our fallen comrades.

We will have more to say on these and other coming events in future bulletins.

MEMBERSHIP:

We wound up the 1979 membership year with 61 paid, active members. We have not yet been assigned our 1980 quota, but we can count on an increase. If we are to make a respectable showing, all current members must renew. A renewal reminder is inclosed with this bulletin. I urge all current members to DO IT NOW! Sit down and write your check for 1980 dues and mail it today, with the inclosed reminder. Let's get all current members renewed by the end of August.

This year, we have two membership teams under the chairmanship of Sr Vice Commander Irving Johnson and Jr Vice*Commander John Hughes. But membership is not the job of the membership teams alone. Increasing our membership is a responsibility of all post members. Every member get a member, and we will exceed our previous all time high membership.

NOTES FROM DEPARTMENT CONVENTION:

Commander Gaillard, Sr Vice Commander Johnson, and Past Commander Lonsinger represented Post 209 at the Department Convention in Pueblo last month. We heard several outstanding presentations, including the keynote address by Steve Ritchie. We have arranged to get tapes of these presentations, and will use them as program material in meetings later in the year.

Post 209 submitted four resolutions through District 7, all of which were approved at District and submitted to the Department Convention. I am pleased to report that three of our four resolutions were approved by Department, and will be considered at the National Convention.

WHAT'S HAPPENING IN THE VA?

One of Candidate Jimmy Carter's first campaign promises, and one of the few he has kept,^u was to pardon the draft dodgers and deserters from the Vietnam War. This action seems to have set the tone of the Carter Administration insofar as veterans' benefits is concerned.

Attached to this bulletin is a copy of a letter from Chairman Ray Roberts of the House Veterans Affairs Committee to Max Cleland, Administrator of Veterans Affairs. This letter reflects the sorry record of the Carter Administration, which is aided and abetted by the man who is supposed to be the veteran's advocate in that administration. If you are concerned about this state of affairs, write your Congressman, and write Chairman Roberts and Administrator Cleland and let them know what you think.

BETTER MEDICAL SERVICE FOR COLORADO SPRINGS VETERANS:

The VA Medical Center in Denver has acquired a "Medivan" which is being outfitted as a mobile outpatient medical clinic. Present plans are for this medivan to visit Colorado Springs once a week beginning in August, to provide outpatient medical service for Colorado Springs veterans. We do not have a firm schedule yet, but the new service will be announced in local news media. Keep an eye out for items on this subject in the local newspapers later this month.

Congratulations:

It makes us proud when one of our Post members puts forth an outstanding effort. At the recent Aerospace Defense Command Non-commissioned Officers' Academy graduation ceremonies, Patsie Smith, one of ours, walked away with all the goodies. She was designated Honor Graduate, Distinguished Graduate and received the Academic Achievement Award. You can't do much better than that, Patsie. Congratulations from all of us.

NOTE THE ADDRESS
CHANGE, SEE LETTER-
HEAD

ROBERTS BLASTS CARTER ADMINISTRATION ON VET TRACK RECORD

The Chairman of the House Committee on Veterans Affairs, the Honorable Ray Robert (TX) has sent a blistering letter to VA Administrator Max Cleland, in reply to an Administration request for legislation to allow the automatic payment of veterans benefits to individuals who received undesirable discharges from service and who subsequently had their discharges upgraded.

Listed below in its entirety is the Roberts letter:

Dear Mr. Administrator:

This is in reference to your letter of April 12, transmitting to the Speaker of the House a draft bill "To eliminate a discharge from an armed force under conditions other than honorable on the basis of a continuous absence without authority for one hundred and eighty days or more as a bar to receipt of benefits under laws administered by the Veterans Administration".

In supporting automatic grants of veterans' benefits and services to veterans discharged because of unauthorized absences of 180 days or more, you make reference to the President's remarks when he signed P.L. 95-126. He stated he would submit legislation to modify that provision of the law "which automatically barred VA benefits" for combat veterans discharged because of extended periods of unauthorized absences.

As you know, the provisions of the law cited by the President does not automatically bar the payment of veterans benefits for any veteran discharged for the reasons stated. The law specifically provides that the 180-day provision is not controlling if the veteran is able to demonstrate that there were compelling circumstances to warrant such prolonged unauthorized absence. Such veterans may receive benefits to which they are otherwise entitled.

You state further that consideration of the President's concern regarding the 180-day provision "brings into question the necessity and advisability of including within 38 U.S.C. 5303 (a) a bar to VA benefits based upon prolonged unauthorized absence when the bars for desertion, as well as by reason of the sentence of a general court-martial, adequately cover essentially the same situation."

I must disagree again with your implication that these provisions of the law adequately cover essentially the same situation. Under current law, if an individual is discharged a deserter, or by reason of a general court-martial, such individual is automatically barred from receiving VA benefits. On the other hand, an individual is discharged because of unauthorized absences of 180 days or more, such individual is not automatically barred from receiving veterans benefits. The individual may receive such benefits administered by the agency provided such individual can demonstrate to the satisfaction of the Administrator that there were compelling circumstances to warrant such prolonged unauthorized absences from active duty.

On March 26, 1979, the Veterans Administration has determined that 124 individuals discharged because of unauthorized absences of 180 or more continuous days are entitled to the full range of veterans benefits.

Mr. Administrator, I am sure you are aware that few, if any, of the hundreds of servicemen who left the service to go home or who fled to Canada, Sweden, and many other countries throughout the world during the war in Vietnam were discharged as deserters by reason of a general court-martial. My staff has reviewed several hundred cases submitted to the Veterans Administration by the Department of

Defense and in every case reviewed the individual was discharged from service for "Unauthorized Absence". None of those reviewed were discharged as deserters or by reason of a general court-martial. If the 180-day provision were repealed as you have suggested, all of these individuals would be automatically entitled to the full range of benefits if the Military Discharge Review Board upgraded the discharges. Our staff review disclosed that in many cases, the individual's "bad time" (A.W.O.L.) far exceeded his "good time". In many cases it was noted that during a 4-year enlistment, the individual was A.W.O.L. for three of the four years.

As I noted earlier, as of March 16, 1979, the Veterans Administration had reviewed 901 cases where discharges had been upgraded to "General" or "Honorable" even though the individual had been discharged by reason of 180 or more continuous days of unauthorized absence. Of this number, 777 of the individuals were denied veterans' benefits because it was found, based on an equitable, case-by-case review, that the individual's service could not be found to be under other than dishonorable conditions.

You now suggest that the Congress repeal this provision of the law so that the full-range of veterans' benefits be paid to individuals who refused to fulfill their period of active service satisfactorily. I cannot support the Administration's proposal.

On April 10, you appeared before our Subcommittee on Medical Facilities and Benefits and testified in opposition to a bill that would provide outpatient dental services for any veteran who had been a prisoner of war for a period of six months or longer.

You testified in opposition to a provision that would also provide outpatient dental services to totally and permanent disabled veterans—total disability resulting from combat in many, many instances.

You testified against a bill that would establish a 5-year pilot program to provide preventive health care to service-connected veterans.

You testified in opposition to a measure that would provide outpatient treatment to World War I veterans whose average age is 82 years.

You testified in opposition to a measure that would authorize the Administrator to contract for the furnishing of health care in a private hospital to veterans when such health care is determined by a VA physician to be necessary due to a medical emergency. In opposing the measure you stated that "the Federal Government must restrain its growth and become more efficient within available resources".

Yet, you urge the Congress to adopt a measure that would grant the full range of veterans' benefits to individuals who in all but the technical sense deserted their country's service and dishonored their oath to serve faithfully and who were later discharged from service for unauthorized absence of 180 or more continuous days. In doing so, you propose that we grant these individuals full education benefits; provide them with medical care for the rest of their lives; give them home loans that require no down payment in the purchase of a home; provide pension benefits for those who can establish eligibility based on need; and provide many of them with compensation, vocational rehabilitation, insurance and other benefits available for those who did serve their country under other than dishonorable conditions. To me this would be unconscionable.

Mr. Administrator, I am gravely concerned with the President's policy toward veterans. I must frankly tell you that many Members of the Congress are beginning to wonder who is advising the President. It would appear the President is focusing his attention in the wrong direction. Consider the following recommendations he has recently sent to the Congress: (1) automatically grant the full range of veterans' benefits and services to certain individuals who received undesirable discharges from service; (2) terminate veterans' preference for certain veterans and eligible survivors; (3) terminate payment for reimbursement of travel expenses of certain beneficiaries provided medical care for non-service-connected veterans.

I fail to understand the President's position on all these issues. He is either receiving poor advice or no advice at all. The White House seems to be saying we should do more for those who did not choose to serve, or who did not serve well, at the expense of those who answered their Nation's call without reservation.

I am sadly disappointed at the President's record thus far and hope you will begin to impress upon the President and his advisors the feelings of many of us in the Congress and so many veterans throughout the country.

In closing, I cannot support the legislation you have proposed to carry out the wishes of the President to repeal a provision of law that was passed by an overwhelming vote in both the House and Senate less than two years ago to prevent the automatic payment of benefits to individuals who received undesirable discharges from service and who subsequently had their discharges upgraded. If the budget situation will not allow an adequate level of benefits and services for those veterans who did serve, I can't imagine the Congress agreeing to provide full benefits for those who did not serve their country faithfully and were discharged under dishonorable conditions.

Sincerely,

Ray Roberts
Chairman