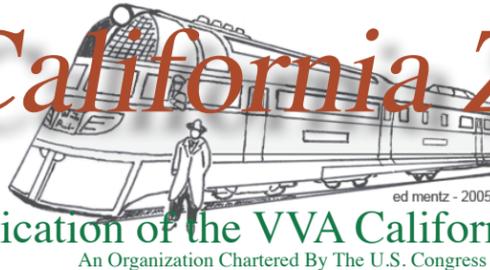




# The California Zephyr



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## PRESIDENT'S MESSAGE

After fourteen months of Covid-19 delays, the state council was finally able to hold its convention and election of new officers. Your new state council officers are: Alan Cook-president, Jerry Orlemann 1st vice-president, Dick Southern 2nd vice-president, Secretary John Bilbrey, Treasurer George Hunter, Central district director Al Sickle, Southern district director Dirk Young, at large director Conrad Gomez and AVVA President Alice Gomez remains in her position as president. We have an open position of Northern District director, anyone interested please contact one of the state officers. Tom Hohmann will remain as Zephyr and council web master.

We all owe a big thank-you to Dean Gotham, as the outgoing president as well as the outgoing officers Steve Mackey, Bill Hodges, Barry Schloffel, and Butch Frederickson.

I've attended sixteen out of the seventeen conventions, and I would say this was one of our best, even though we had covid 19 restrictions. The delegate's voted to add three new resolutions and changes to the by-laws, and voted to change the CSC by-laws to eliminate future state conventions.

Delegates and attendees participated in seminars on Westminster Monument, veteran legislation, Membership, National Cemetery and Veterans legislation. AVVA had a luncheon where they discussed the incorporation of AVVA chapters and state councils. The convention was closed with the awards banquet.

Thank-you goes to Dick and Carol Southern for all the work they put in to make our final convention a success.

The next meeting of the California State council will be October 29-31 2021 at the Wyndham Hotel in Visalia CA.

Alan Cook, President  
VVA California State Council

## UNITED STATES V 2LT JACK R ROBINSON

IN THE MILITARY, JACKIE ROBINSON TOOK A STAND WITHIN A RACIST SYSTEM



4th Appellate District, Division 3

Eileen C. Moore

Associate Justice, California Courts of Appeal

In a former life, Justice Moore served as a combat nurse in Vietnam in the Army Nurse Corps. She was awarded the Vietnam Service Medal, the National Defense Service Medal, and the Cross of Gallantry with Palm. She is a member of the Vietnam Veterans of America. Since 2008, she has chaired the Judicial Council's Veterans and Military Families Subcommittee. For nine years, she served as a mentor in a Veterans Treatment Court, primarily to women veterans. In 2015, her book "Gender Results" received a Benjamin Franklin award. (Cool Titles, 2014)

Army Major Adam Kama recently examined the 1944 court record of the court-martial of Jackie Robinson and wrote a lengthy article in the Army Lawyer. See "Fair Play and Justice: The Court-Martial of Jackie Robinson," 1 Army Lawyer 68 (2020). What Major Kama found reveals how deeply entrenched racism was within Army culture. The American Bar Association's Standing Committee on Armed Forces Law presented Major Kama with an award for his work at its 2020 annual meeting this summer.

In the 2013 movie "42" (starring the late Chadwick Boseman as Robinson) Brooklyn Dodgers general manager Branch Rickey is portrayed searching for a man with enough resiliency and character to withstand the expected indignities and humiliations in becoming the first Black Major League Baseball player. Major Kama says Robinson's conduct during his trial shows he had the precise qualities Rickey sought in that Robinson stood firm and had faith that the system would prove his innocence.

Not included in Major Kama's article are some of Robinson's experiences with discrimination in the military that he described in his autobiography. When those are considered, it is obvious that by the time of his court-martial, Robinson had already shown his ability to take a stand against racism in the Army.

Before the incident

Jackie Robinson, UCLA's first four-letter collegiate athlete, was drafted into the military in 1942. He was an enlisted man at first, but later became an officer in the racially segregated Army. While stationed at Fort Riley, Kansas, Robinson was denied admittance to the post's baseball team, and told he could only play for the Black team.

In April 1944, he was transferred to Camp Hood, Texas, which was renamed Fort Hood in 1950. Robinson was platoon leader in the 761st Tank Battalion, known as the Black Panthers.

A 1937 football injury left him with a floating bone chip in his right heel. Because of that injury, he was ordered to undergo a physical assessment for fitness to continue in the service. Thus, he was temporarily transferred to McCloskey Hospital in Temple, Texas, 30 miles from Camp Hood on June 21, 1944.

The incident

On the evening of July 6, Robinson went to the Camp Hood Black officers' club where he spent several hours. As a teetotaler, he did not drink any alcohol. Afterward, he boarded a Camp Hood shuttle bus, intending to go to the Camp Hood Central Bus Station

to transfer to a civilian bus and return to the hospital.

Robinson sat down next to an African-American woman acquaintance in the middle of the bus, the wife of a fellow lieutenant. After proceeding five or six blocks, the white bus driver directed Robinson to move to the rear of the bus. Robinson refused.

When the bus arrived at the central station, the station dispatcher confronted Robinson, and Military Police arrived. An MP instructed Robinson to sit in the patrol car while they assessed the situation. As he was sitting in the patrol car, a soldier from another bus who saw the commotion asked the MPs whether they had a "[N-word] lieutenant" in their car. Robinson heard the remark and threatened to break the soldier in two.

At the MP guardroom, the officer of the day called the camp's commander of the MPs, Captain Gerald Bear. Captain Bear did not like Robinson's attitude.

Statements were taken from civilians on the bus and from service members. One of the civilian's statement twice referred to Robinson using the same slur. None of the other witnesses referred to Robinson as "the lieutenant," but as "the colored lieutenant." The bus driver explained he wanted Robinson to move to the back of the bus because there were white women passengers and he didn't think they would want to ride in a bus "mixed up like that."

On July 17, Robinson was formally charged with six distinct violations of the Articles of War, the precursor to the modern Uniform Code of Military Justice, and placed under arrest. Later, the government eliminated all the charges that had anything to do with Robinson's reaction to the racial slur.

The trial

The United States v. 2LT Jack R. Robinson trial began on Aug. 2, 1944, at Camp Hood, 26 days after the incident. Robinson's fate was to be decided by nine men, two of whom were African-American.

The Army's lawyers tried to keep from the tribunal all evidence that the offensive word that had been used. But Robinson testified in his own defense. He described what the private had called him, and freely admitted under oath he told the private that if he ever called him that again, "he would break him in two." One of Robinson's lawyers asked, "do you know what a [N-word] is?" Robinson responded, "I looked it up once, but my Grandmother gave me a good definition, she was a slave, and she said the definition of the word was a low, uncouth person and pertains to no one in particular; but I don't consider that I am low and uncouth. I looked it up in the dictionary afterwards and it says the word [N-word] pertains to the negroid or negro, but it is also a machine used in a saw mill for pushing logs into the saws. I objected to being called a [N-word] by this private or by anybody else. When I made this statement that I did not like to be called [N-word], I told the Captain, I said, 'If you call me a [N-word], I might have to say the same thing to you, I don't mean to incriminate anybody, but I just don't like it.' I do not consider myself a [N-word] at all, I am a negro, but not a [N word]."

The soldier who called Robinson by the slur denied that he did. But on cross-examination, he admitted that Robinson said to him that if he ever called him that again he would break him in two. Then he stammered when he was asked to explain why Robinson would threaten to break him in two if he didn't use that epithet.

After the government rested its case, the defense called one of the MPs who was at the scene at the central bus station. The MP was asked if the soldier asked him if he had a "[N-word] lieutenant" in his patrol car. The MP responded: "Yes, sir, he did at the bus station."

The defense argued it proved the incident was predicated on the use of a slur by an enlisted man upon an officer. That evidence put into perspective the behavior in Robinson that Captain Bear found objectionable at the MP guardhouse.

After a four hour and 15-minute trial, Lieutenant Robinson and his defense counsel rose to hear the verdict. "Upon secret written ballot, two-thirds of the members present at the time the vote was taken ... finds the accused of all specifications and charges: Not guilty and therefore acquit the accused."

Robinson's autobiography

After finishing Major Kama's article, I read Jackie Robinson's autobiography, "I Never Had It Made," the last few pages of which reached the publisher five days before Robinson died of a heart attack in 1972. His book filled in some of the details, not only about what led up to his court-martial, but also about racism he faced in the Army.

Robinson's initial exposure to World War II was while onboard a ship traveling from Honolulu. He had played for the Honolulu Bears, a racially integrated football team and the season ended in November 1941. The ship left Honolulu on December 5. A few days later, he saw the crew was covering all the ship's windows with black paint. The same day, passengers were called to the deck and informed by the captain that the Japanese had bombed Pearl Harbor.

When Robinson reached Fort Riley, he applied for Officers Candidate School. He passed all the requirements for OCS, but he and other successful Black recruits sat around for more than three months without beginning school. Then boxer Joe Louis was assigned to Fort Riley and they told him about the delay. Louis immediately contacted "some powerful people in the government." Robinson wrote that once Fort Riley command felt heat from Washington, the Black men were welcomed into OCS.

Major Kama's article mentions that Robinson was told he had to play on the colored baseball team. Robinson's book describes what happened when he tried to play football. He practiced with the Army team, and the first scheduled game was with the

University of Missouri. That team made it clear to the Army that its members would not play a team with a Black player. Instead of telling him the truth, the Army gave Robinson leave to go home. He later found out why he was given leave and decided not to play for the Army because it would not permit him to play in all the games due to his race.

Another racially charged episode occurred at Fort Riley. In the mess hall, six or sev-

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en seats were set aside for Black soldiers. Day after day, Black men would stand around with their lunch waiting for a seat, despite many empty seats available in the non Black section. As morale officer, Robinson telephoned the provost marshal, a major, and told him about the situation. The major said there was nothing to be done.

Robinson pushed the issue. Assuming he was speaking with a white man, the major said: "Lieutenant, let me put it to you this way. How would you like your wife to be sitting next to a [N-word]?" Robinson exploded and ripped into the major. Every typewriter stopped. The colonel's office was nearby. A warrant officer advised Robinson to speak directly to the colonel to explain how he was provoked and why he acted the way he did. Robinson followed that advice. The colonel wrote a letter to the commanding general requesting more seats for Black soldiers and recommending discipline for the provost

marshal due to his racist attitude. Indeed, more seats were opened for Black soldiers, and the next time Robinson and the major crossed paths, the major was very respectful. In his book, Robinson ruminated that the colonel proved to him "that when people in authority take a stand, good can come out of it."

Regarding the incident that led up to the court-martial, Robinson says he was aware that Joe Louis and Ray Robinson [I assume he was the boxer later known as Sugar Ray Robinson] had refused to move to the back of an Army bus in Alabama. As a result, the Army issued regulations barring racial discrimination in any vehicle operating on an Army post. Thus, when the bus driver ordered Robinson to move to the back of the bus, he ignored him, refusing to be intimidated. When Robinson did not move, the bus driver shouted that if he didn't move, he would cause Robinson plenty of trouble.

Robinson hotly said he couldn't care less and knew what his rights were. When they reached the central bus station, the bus driver jumped off the bus and summoned the station dispatcher, pointed out Robinson and said, "there's the [N-word] that's been causing me trouble."

About the MPs who came to the scene, Robinson says they were enlisted men. They were polite to Robinson and

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The opinions expressed in this newsletter do not necessarily represent the views of VVA, the State Council or its members.

Who Are The Vietnam Veterans Of America?

Founded in 1978, Vietnam Veterans of America, Inc. is the only national Vietnam veterans organization congressionally chartered and exclusively dedicated to Vietnam-era veterans and their families. VVA is organized as a not-for-profit corporation and is tax-exempt under Section 501(c)(19) of the Internal Revenue Service Code.

VVA'S FOUNDING PRINCIPLE  
"Never again shall one generation of veterans abandon another."

#### PURPOSE

The purpose of Vietnam Veterans of America's national organization, the state councils, and chapters is:

To help foster, encourage, and promote the improvement of the condition of the Vietnam veteran.

To promote physical and cultural improvement, growth and development, self-respect, self-confidence, and usefulness of Vietnam-era veterans and others.

To eliminate discrimination suffered by Vietnam veterans and to develop channels of communications which will assist Vietnam veterans to maximize self-realization and enrichment of their lives and enhance life-fulfillment.

To study, on a non-partisan basis, proposed legislation, rules, or regulations introduced in any federal, state, or local legislative or administrative body which may affect the social, economic, educational, or physical welfare of the Vietnam-era veteran or others; and to develop public-policy proposals designed to improve the quality of life of the Vietnam-era veteran and others especially in the areas of employment, education, training, and health.

To conduct and publish research, on a non-partisan basis, pertaining to the relationship between Vietnam-era veterans and the American society, the Vietnam War experience, the role of the United States in securing peaceful co-existence for the world community, and other matters which affect the social, economic, educational, or physical welfare of the Vietnam-era veteran or others.

To assist disabled and needy war veterans including, but not limited to, Vietnam veterans and their dependents, and the widows and orphans of deceased veterans.

#### FUNDING

Vietnam Veterans of America relies totally on private contributions for its revenue. VVA does not receive any funding from federal, state, or local governments.



called him "sir." His first indication that he was in trouble was when Robinson met Captain Bear, the commander of the MPs at the MP guardhouse. Robinson perceived Bear thought he was uppity.

Robinson thought highly of the two officers who defended him. One was from the south, and forthrightly told him he wasn't sure he could be objective. That officer recommended an officer from Michigan join the defense team.

Another factor Robinson felt worked in his favor was letters written to the Black press by his fellow Black officers. Robinson thought the Army realized that if he was treated unfairly, it would not be kept a secret, and it didn't want the spotlight on the Army for racial discrimination.

#### Conclusion

The most disturbing part of Robinson's account of his military service is that the Army permitted the practice of Jim Crow discrimination on federal property. It is likely that incidents such as the ones Robinson endured were part of President Harry Truman's reasoning in issuing Executive Order 9981 on July 26, 1948, stating "there shall be equality of treatment for all persons in the armed forces without regard to race, color, religion or national origin."

Nonetheless, just because Black service members are no longer ordered to sit in the back of a military bus or openly insulted with racial slurs, it does not mean they no longer face prejudice. African-American sailors sued for race discrimination in the Navy. In *Chappell v. Wallace*, 462 U.S. 296 (1983), Black Navy seamen brought a race discrimination claim against their military superiors as individuals, apparently in an attempt to plead around the ban against suing the military for acts incident to service set forth in *Feres v. United States*, 332 U.S. 301 (1950). In their suit, Black sailors alleged that commanders gave Black sailors less lucrative duties and assignments than their white counterparts, and failed to promote them on the basis of their race. They lost their case under the *Feres* doctrine.

On July 15, 2020, 72 years after Executive Order 9981 and 37 years after *Chappell* was dismissed, Defense Secretary Mark T. Esper put out a military-wide directive, demonstrating the sailors' concerns are still a problem. Esper barred the use of photos by promotion boards and ordered the development of new hair and grooming standards devoid of racial bias. The directive outlined steps at eliminating "discrimination, prejudice and bias in all ranks" to promote equal opportunity, morale and the readiness of the force.

Major Kama's article provides an opportunity for all of us, not just the military, to examine our past and make an honest accounting of who we have been as a country. Such an examination can help guide us to be the country we aspire to be. While making that honest accounting, we as lawyers should keep in mind that it was an opinion from the U.S. Supreme Court that permitted the military to maintain segregated branches of the armed services, a virtual Petri dish for the additional discrimination Robinson experienced. In finding segregation of the races under the law was not unconstitutional, *Plessy v. Ferguson*, 163 U.S. 537 (1896), in effect, sanctioned continued ignorance and apathy by white America.

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## WOMEN VETERANS BEHIND BARS

### AMERICA MUST DO MORE TO KEEP WOMEN VETERANS OUT OF JAIL.

It's not just military men returning to civilian life who can find themselves behind bars. Approximately 1,800 women veterans in the U.S. are incarcerated. The crimes women tend to commit suggest struggles with reintegration into the civilian environment.

Crime & Delinquency, Vol. 65(14) 1925-1948 (2019).

A big problem is transitioning out of the military. When in the military, service members must acquire new skills and manners in dealing with others, often quite rigid. But there is no deprogramming process. Thus, human interactions can be difficult when first discharged because skills acquired in the military are not easily transferable into a civilian lifestyle. Added to that adjustment requirement, returning women veterans often have little or no time to readapt to civilian life because they must immediately begin caring for their children.

Military women who served in medical-related occupations often had more positive experiences than those who did not. But the more historically male the military challenge, the more difficult it can be for females. While the Crime & Delinquency study found there was no difference between female Army and Marine veterans, both pri-

marily combat ground branches, females in the Air Force or Navy, where job specialties are less focused on ground-level combat, had fewer arrests.

Long-term military service, however, is associated with a low chance of being arrested. Each additional year spent in the military has been correlated with a 5.1% decrease in the expected number of lifetime arrests. Females who were older when entering the military, had a longer length of service, and had a satisfactory discharge had significantly fewer arrests.

A 2019 National Research Center report says that lack of available health care is associated with criminal behavior, and if a woman had a negative experience in the military, it sometimes causes her to refrain from seeking medical help from the Department of Veterans Affairs after discharge. The Crime & Delinquency study pointed out that "the well-documented substandard VA services offered to female veterans compared with males." Jessica Blue-Howells, the VA's national coordinator for reentry veterans, says the health issues for women veterans are different than for male veterans. She points out that in the culture of male dominance found in the military, enlisted women are more likely to have experienced trauma, adding that the risk is highest in women who are 18 to 29 years old. She says in a criminal justice setting, it is likely that 100% of women have had multiple trauma experiences. Another study concluded that women veterans who suffered military sexual trauma are nine times more likely to develop Post-traumatic Stress Disorder than women veterans without such experiences, and their PTSD symptoms are more severe. *Psychiatric Services* 67:1, January 2016.

Homelessness is a known risk factor for criminal behavior. In a Women's Health Issues study of 524 incarcerated women veterans, nearly a third of them had a history of homelessness prior to incarceration. The NRC report says that 53% of homeless women veterans were victims of military sexual trauma, and the traumas incarcerated female veterans face may be doubled due to suffering from abuse.

Researchers have concluded that women veterans' risk of homelessness is tied to a period of high vulnerability when reentering civilian life. That is particularly so if they head families with small children and cannot afford childcare, rendering them unable to pursue employment and education the same way men veterans can.

What veteran housing is available is often gender mixed, where safety issues such as sexual harassment and assault are not addressed. In *Sharon T. v. New Directions*, 2:2015cv04239 (C.D. Cal., filed June 5, 2015), while a woman vet who had been sexually assaulted in the military tried to recuperate in a veterans' facility housing 122 males and six females, she was again assaulted.

To make matters worse for women vets, the Council of State Governments reports that nationally, people who were formerly incarcerated are almost 10 times more likely to experience homelessness than the general public. Thus, incarcerating them makes them more vulnerable to homelessness when they are released.

The National Institute of Corrections reports that by housing veterans together in an environment that inspires military culture and values, veteran units within prisons promote restoration, healing and growth in a way that may not be possible via general population housing.

The Washington State Department of Corrections has had a program for women vets in its Corrections Center for Women for the past several years headed by vet Sharon Kirkpatrick. Incarcerated women veterans meet every month. Kirkpatrick says that underreporting of veteran status occurs because veterans often feel a sense of shame. They don't view themselves as veterans anymore, simply because they are in prison. It's when she questions women inmates about their employment history, and they tell her they don't have an employment history because they were in the military, that she finds out they are veterans. She says what's unique about Washington's program is that it exists at all, noting that prisons justify the absence of programming for women veterans because women are only 10% of the population of veterans, and only 7% of the population of inmates. She laments, however, that she has not been given the go-ahead to expand her vision by installing a women veterans' pod.

The Pennsylvania Department of Corrections did just that. Pennsylvania opened the nation's first female veterans housing unit. Its program recognizes that no matter what branch of the armed services the female vets once served in, they all know the sense of camaraderie, teamwork and pride that comes with serving their country. The program provides veteran-specific services and workshops that includes mental health services, life skills, substance abuse programs and educational courses. Beyond the services, the programs offer veterans a chance to reestablish bonds they developed in the military to revive their sense

of teamwork and pride.

At least two counties in California, Orange and San Diego, offer jailed women vets specialized services and programs, but not separate pods.

A particularly sad part of the process of locking up veterans who were damaged in the military is that the VA does not provide treatment for conditions they developed as a result of military service while they are incarcerated. With all that time on their hands and no children to tend or households to run, incarcerated women veterans could benefit from intensive treatment and be better able to meet their responsibilities when released.

Why doesn't the VA treat incarcerated veterans? Well, the agency decided to pass a regulation and assume a practice of not providing any medical or mental health care to veterans who are incarcerated.

The source of the regulation is found in 38 U.S.C. Section 1710 (h), which states: "Nothing in this section requires the [VA] Secretary to furnish care to a veteran to whom another agency of Federal, State, or local government has a duty under law to provide care in an institution of such government." Congress gave the VA authority to adopt a regulation for that statute in 38 U.S.C. Section 1721. The VA's regulation is found in 38 C.F.R. Section 17.38 (c)(5). It states that the VA will not provide "hospital and outpatient care for a veteran who is either a patient or inmate in an institution of another government agency if that agency has a duty to give the care or services." The VA's regulation, leaving it up to the jails and prisons to provide care, makes sense from a fiscal standpoint. But from a moral stance, it's disgraceful. These vets signed up to serve with a promise their country would provide treatment for line of duty harms.

Jails and prisons have no "duty" to provide the kind of specialized care injured vets need. The VA's regulation seems reasonable if care of the inmate involves a bone fracture or an emergency appendectomy. But when the prisoner has Traumatic Brain Injury resulting from an explosion or PTSD after being raped, how is the typical prison doctor or nurse capable of appropriately responding? Ask the same question about a small-town jail and the whole notion is preposterous.

Shame on the VA for deciding not to provide needed therapy and other treatment to incarcerated veterans for injuries they suffered in the military.

The VA has, however, stepped up to the plate for incarcerated veterans who are about to reenter the community. Its program is titled Health Care for Re-entry Veterans Services and Resources, HCRV. It is designed to promote success and prevent homelessness among veterans returning home after incarceration. Each state has a point of contact person. According to the VA's website, California's poc is: Stephen Spiegel [Stephen.Spiegel@va.gov].

Veterans Treatment Courts could be the ideal way for women veterans to avoid incarceration in the first place. VTCs were established to address the needs of veterans facing criminal charges to try to avoid incarcerating them. They operate independently from the VA, but the VA supports them. A 2018 national VTC participant article says 94.8% of VTC participants were male, and includes no analysis about female veterans.

The Crime & Delinquency study concluded that the gender-neutral component of VTCs is alarming because of the gender-specific risk factors for engaging in crime. It says that specialized programming has been available for men veterans, and that gender responsive programs and practices are needed.

Local courts do the best they can to serve the needs of their communities in a world where the Legislature authorizes VTCs, but provides no extra money to fund them. Most veterans are male, so VTCs designed to serve male veterans is sometimes all courts are able to do. I have little doubt that judges would also like treatment courts specially designed for women vets.

The following is some of what I observed when I was a mentor in a VTC for nine years.

One young woman was so frightened to go into group therapy with military men, she begged the judge to order group therapy with women only. But the VA was providing the therapy and it did not offer women-only therapy. The woman dropped out of the VTC, opting to go to jail instead, saying she'd feel safer in jail. I never asked her, but I felt certain she had been sexually assaulted in the military.

Another time, I sat next to my mentee while we waited for the courtroom doors to open. She had previously told me she had been sexually assaulted in the military. A group of male mentors, all vets, were chatting with their male mentees, all vets. Their conversation went to a discussion of a certain woman's breast size. I could feel my mentee tense, and I thought I saw her eyes fill up.

Next, one of my mentees had her babysitter cancel

just before she was to leave for a court-ordered VA appointment. She called every other babysitter on her list but found none available. As she had no relatives in California, she took her children with her to the appointment. The probation officer was not happy she brought the kids. She was ordered to write an essay on setting the right priorities.

Lastly, the rules of the VTC required 17 hours a week productive use of time, in addition to all the court sessions and court-ordered appointment with VA representatives, mental health professionals and probation officers. My mentee had small children and spent much of her time taking the kids to and from various medical and dental appointments, pre-schools and play dates. She was told that time did not count as productive use of her time.

In almost every way, many women veterans who end up behind bars have gotten the short end of the stick. Because they were traumatized, they were unable to cope with transitioning into civilian life and became homeless. Mentally ill, they committed a crime. While incarcerated, they do not have access to the specialized veteran pods that many men veterans have. Nor do they have access to the focused medical and mental health care for their in-service injuries that only the VA is equipped to provide.

Perhaps the real question we should all be asking is why many of these women veterans are incarcerated at all. According to the NRC report, because women veterans often reach higher education levels, tend to have little or no criminal history and have strengths that can be mobilized, they present minimal risks for future criminal behavior. Noteworthy is that in one study, all of the women veterans received an honorable discharge and in the other studies most of them did.

America should be providing adequate services when women separate from the service so incarceration can be avoided.

## CALCON 17



The 17th Biennial California State Convention, originally scheduled for June 2020 but postponed and rescheduled due to - well, you know why it was rescheduled SIX times - was finally held August 27 and 28, 2021, in Visalia, California. A total of 52 registered delegates attended the Convention, including delegates from our own Chapter 53: Kirk Gillett, Steve Crecy, and Bob Chiota. A lot was accomplished in two days of reviewing six proposed amendments to the State Constitution, nine current resolutions (plus three proposed resolutions introduced from the floor), and the election of a new California State Council (CSC) Board of Directors.

Perhaps the new amendment passed that will have the most impact on all chapters throughout the state was the elimination of state conventions. CalCon 17 will be the last state convention for the CSC. In place of future conventions will be Election Meetings held at the regularly scheduled CSC meetings during the second fiscal quarter of even numbered years, the first one being in 2022.

One new resolution passed was SAFE 21, written by chapter members Charlie Salinas, Cliff Rapp and Steve Crecy, and introduced from the floor by our Chapter 53 delegation. At issue was a recommended program referred to as the S.A.F.E. (Salute Armed Forces Everyday) Program to increase public awareness of all Veterans. The position, passed (with a minor modification) by an overwhelming vote, is "Vietnam Veterans of America, Inc. California State Council at the State Convention, Visalia, California 27-28 August, 2021, affirms its commitment to all Veterans of Military service to the United States of America and Endorses the S.A.F.E. Program and its promulgation for implementation nationwide."

Of great interest to our Chapter members was a resolution presented by Chapter 47 with Position: "That:

Vietnam Veterans of America, its Officers and Board members be prohibited from changing the organization's name and/or creating any new veterans organization to replace our current one, thus making us a "last person standing" organization". The resolution was approved by an overwhelming voice vote (our delegates approved) and will be presented at the upcoming National Convention.

Another new resolution that was passed was written

by chapter member Jerry Orlemann. At issue was the construction of permanent, supportive housing for Veterans on the West Los Angeles Veterans Affairs (WLAVA)



Medical Center campus, comprising approximately 388 acres located in the heart of Los Angeles. The position, passed unanimously, is "Vietnam Veterans of America California State Council supports continuous progress of the Greater Los Angeles Campus Draft Master Plan, the West Los Angeles Veterans Collective's Community Plan calling for the construction of 1,619 permanent supportive housing units on campus and requests that the Secretary of Veterans Affairs make any successor Master Plan available for public comment (no less than 90 days) prior to its official ratification."

Chapter Vice President Kirk Gillett reported on the loss of our past president Jerry Yamamoto and the burial service officiated by our Chapter Chaplain Cliff Rapp. Tributes were made at the service by Chapter 53 and Chapter 446 members.

The CSC Board of Directors for 2021 are  
President: Alan Cook (Chapter 400, Oakland, former At-large Director)

1st Vice President: Jerry Orlemann (South Bay Chapter 53, former Southern District Director)

2nd Vice President: Dick Southern (Chapter 391, Sonora, incumbent)

Secretary: John Bilbrey (Chapter 472, San Diego)

Treasurer: George Hunter (Chapter 391, Sonora)

Northern District Director: Vacant

Central District Director: Al Sickle (Chapter 391, Sonora, incumbent)

Southern District Director: Dirk Young (Chapter 446, San Gabriel Valley)

At-large Director: Conrad Gomez (Chapter 756, Long Beach)

Written by Steve Crecy and Jerry Orlemann

## CHAPTER 201 PARTICIPATES IN 9/11 TWENTIETH ANNIVERSARY

The Veterans Memorial & Support Foundation of Los Gatos, California held a Twentieth Anniversary ceremony at the Flame of Liberty Memorial on September 11, 2021.

Insert Image: Flame of Liberty-DSC\_034 Here

The Flame of Liberty Memorial is located at the Los Gatos Civic Center to honor, respect and remember those who lost their lives defending our way of life. During the ceremony, a dedication of the "Wall of Gratitude" took place to shine a light on those who have generously given to create the grounds on which the ceremony was held.

Chapter 201 members were prominent in participa-



tion in the Twentieth Anniversary ceremony. Dr. Clyde Horn, serving with Company E of the U.S. Army 199th

Light Infantry Brigade in the Iron Triangle of Vietnam in 1968, provided the Invocation for the ceremony.



Veterans Memorial & Support Foundation President, and Chapter 201 member, MG Kent Hillhouse, USA (Ret) addressed the gathering. MG Hillhouse and Los Gatos Mayor Marico Sayco unveiled the Wall of Gratitude plaques.



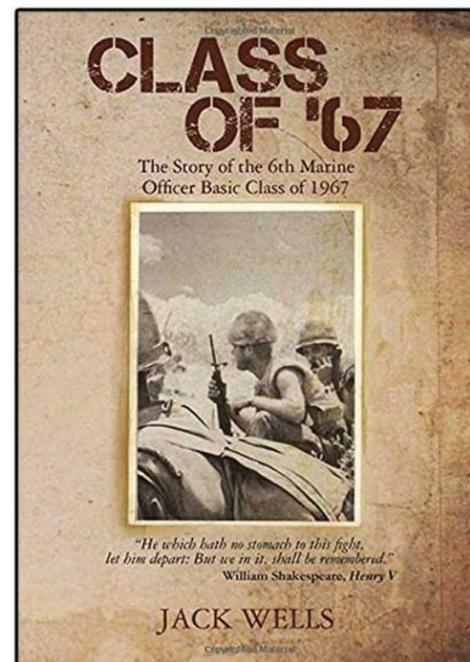
Chapter 201 member Mike Frangadadis saluted during the playing of Taps.



## HILL 64 KHE SANH

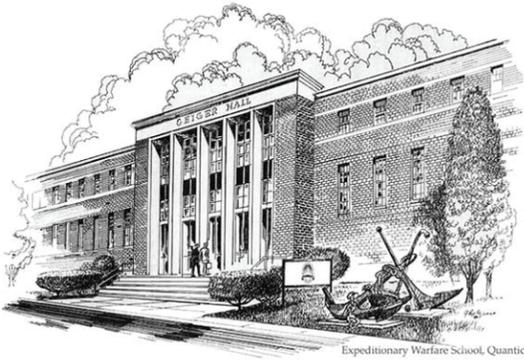
By Jack Wells (LtCol, USMC, Ret),  
VVA Chapter 201

In January 2016 I was contacted by U.S. Army Captain Dustin Colegate. He had read the chapter in my book "Class of 67" about 2nd Lieutenant Terry Roach who was killed along with 23 of his 1st Platoon men in the attack on Hill 64 on 8 February 1968. Captain Colegate's grandfather was one of the Marines who died that day.

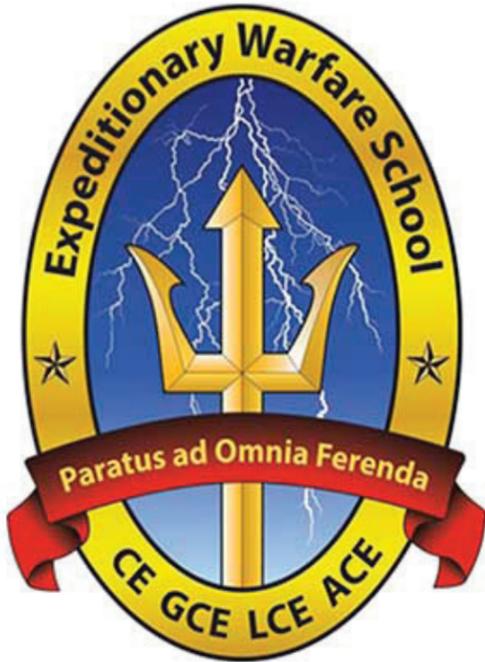


Captain Colegate was attending Expeditionary War-

fare School, an advanced infantry school at the Quantico U.S. Marine Corps Base in Virginia, and he was the only officer in the class that had a relative who died during the siege at Khe Sanh. Because of that, he was assigned to make a presentation to the class about the battle at Khe Sanh.



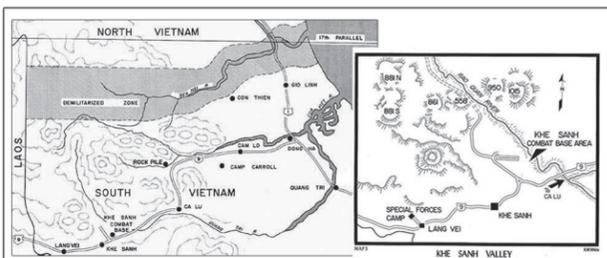
Expeditionary Warfare School, Quantico,



Captain Colegate asked if we could meet in Vietnam and if I could arrange to go to Hill 64 where his grandfather, PFC William Colegate, 1st Platoon, Alpha Company, 1st Battalion 9th Marines (Alpha Co. 1/9), was killed. During the Vietnam War, the unit earned the name "The Walking Dead" for its high casualty rate. The battalion endured the longest sustained combat and suffered the highest killed in action (KIA) rate in Marine Corps history.



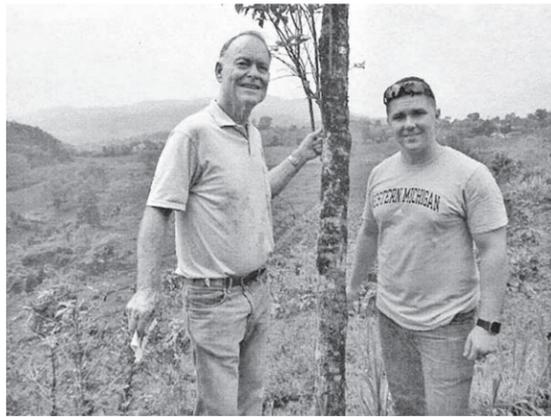
Captain Colegate was able to get DoD approval for a trip to Vietnam and arrived at Da Nang on April 3rd 2016. A few days later I arranged for a vehicle and driver to take us to Khe Sanh and also arranged for a guide. During my time in Vietnam in 1968, with the 7th and 11th Marines, I did not get farther north than Phu Bai, so all I had to go on for the location of the hill were grid coordinates for the Alpha 1, Hill 64 position.



I was referred to Pham Cam Thach, a DMZ tour guide, who said she could take us to Hill 64. We met her at a restaurant in Dong Ha and then made the hour-long

trip to Khe Sanh. Thach had secured permission to enter the coffee plantation that is now a part of Hill 64 and knew of an old jeep path that led to the hill.

It had been raining part of that afternoon and when the jeep trail ended, we left the vehicle and proceeded on foot. Seeing how it was now late in the afternoon, and muddy from the rain, we did not stay long. It would have been great to have someone who was on Hill 64 to point out where the different defensive positions were located.



Jack Wells on left & Dustin Colegate on Hill 64

On January 22, 1968, the 1st Battalion 9th Marines (1/9) were ordered to reinforce Khe Sanh. The next day, the 1st Platoon of Alpha Company (Alpha Co. 1/9), led by Lieutenant Terry Roach, deployed to Hill 64. This position was called Hill 64 in reference to the number of Marines on the hill, not, as was traditionally known as identifying hills by their height in meters. This was done as an operational security measure to mislead the NVA who were monitoring the Marines radio transmissions.



Lieutenant Terry Roach 4th from right

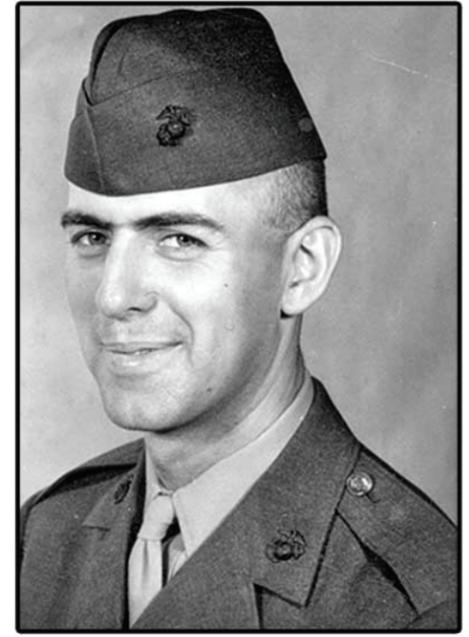
Alpha Co. 1/9 on Hill 64 were the forward security for the battalion and provided early warning for attacks against the Khe Sanh Combat Base. Nights were always terrifying on Hill 64 as heavy fog rolled in around sunset and would not lift until dawn. The pitch-black nights were filled with sounds of things moving around the northwest side of the hill. The Marines strained to see in the fog and the darkness. Tension was high on Hill 64 after division intelligence reported that electronic sensors detected another NVA regiment moving into the area.



The Hill 64 Marines dug and fortified their position for two weeks while the North Vietnamese Army (NVA) was frequently trying to kill them with artillery and sniper rounds. Somehow, these Marines survived with minimum water, food, sleep, and were exposed to the elements while surrounded by tens of thousands of NVA assault troops.

At 4:15 a.m. on the foggy morning of February 8, 1968, the Battle for Hill 64 began with a barrage of mortars, recoilless rifles, satchel charges, RPGs, and automatic weapons, in a determined multi-pronged assault by a reinforced NVA battalion against the "Walking Dead" platoon. The overwhelming attack by the NVA on the waiting 1st Platoon (reinforced) of A CO 1/9 Marines on Hill 64 is an example of some of the most brutal combat of the Vietnam War.

The attacking NVA threw canvas on top of the



Lieutenant Terry Roach

barbed wire and breached the Hill 64 defensive positions. Lieutenant Terry Roach assembled a squad and led them forward against the NVA who were now inside the defensive wire. While moving along a trench line towards the attacking NVA soldiers, firing his M-16, Lieutenant Terry Roach was killed. He was posthumously awarded a Bronze Star for his action.

Company Commander Captain Henry J.M. "Mac" Radcliffe bravely led twenty volunteers from 2 squads of the 2nd Platoon A CO 1/9 to relieve his brave Marines on Hill 64, and systematically cleared all remaining NVA early on 8 February 8. The relief force repelled the remaining NVA attackers after first light on 8 February 1968, the survivors of the 1st Platoon (Alpha Co. 1/9) were evacuated and the position was abandoned and destroyed by air strikes that afternoon.



Before we left, Captain Dustin Colegate and I embedded a USMC emblem on one of the coffee trees in memory of his grandfather and the other brave men of the 1st Platoon. By fate, I happened to spot, barely visible, in the wet red clay of hill 64, a plate from a flak jacket.

Gear and some flak jackets that were abandoned were forever scattered by the air strikes. I told Captain Dustin Colegate that it might be possible that the plate from the flak jacket could have belonged to his grandfather, and I gave the plate to him.



Flak Jacket plate found on Hill 64 in 2016

Chapter 933:



1. Alex Fabros, President of Chapter 933, holds his "Images of Bravery Award", presented in August at CSC Cal-Con 17.

2. At this year's Fresno Peoples Church's Veterans Concert, an annual

fund-raiser for Veterans programs in the area, VVA Chapter 933 set up its "traveling museum" and information booth.

Chapter members (L to R) : Paul Kaser, John Sturdivant, John Ohe.



3. At the Veterans Concert display are Chapter 933 members: L to R - Lorraine Fabros, Patti Cline, Henrietta Sturdivant; back row John Ohe, John Sturdivant, Paul Kaser



**LEGISLATIVE UPDATE REPORT- VIETNAM VETERANS OF AMERICA-CALIFORNIA STATE COUNCIL**  
By Reeb Government Relations, LLC

The 2021 legislative year is now over. The last day for the Governor to take action on bills sent to him by the Legislature was October 10. Listed below are bills that the VVA-CSC took positions on that survived the legislative process up to September 10. Some bills from 2021 were made in to 2-Year bills, which allows them to continue next year, and those bills are also listed below.

The positions listed below are either Chaptered (signed in to law), vetoed (dead), or are 2-year bills (heard next year).

To access the Legislature's bill information website which contains the text, amendments, analyses, votes, and status of all bills back to 1999, please go to: <https://leginfo.ca.gov/faces/billSearchClient.xhtml>

This report was prepared by Reeb Government Relations, LLC. For more information, please contact:

Alan Cook, Chair, Govt Affairs Committee: [alancook53@aol.com](mailto:alancook53@aol.com)

Seth Reeb, Legislative Advocate: [sethreeb@comcast.net](mailto:sethreeb@comcast.net)

The Legislature will reconvene for the 2022 legislative year (which is the second year of the 2021-22 legislative session) on January 3, 2022.

**AB 107**

(Salas D) Licensure: veterans and military spouses. Status: 10/8/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 693, Statutes of 2021. Location: 10/8/2021-A. CHAPTERED

Summary: Current law requires a board within the Department of Consumer Affairs to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted

in the application is accurate, to the best of the applicant's knowledge. This bill, on and after January 1, 2023, would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within the department, except as provided. The bill would require an applicant for a temporary license to provide to the board documentation that the applicant has passed a California law and ethics examination if otherwise required by the board for the profession or vocation for which the applicant seeks licensure.

**Position**

Support

AB 291

(Seyarto R) Income taxation: exclusion: military survivor benefits.

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was REV. & TAX on 1/28/2021) (May be acted upon Jan 2022)

Location: 9/10/2021-A. 2 YEAR

Summary: Current law requires any bill authorizing a new tax expenditure to contain, among other things, specific goals, purposes, and objectives that the tax expenditure will achieve, detailed performance indicators, and data collection requirements. This bill, for taxable years beginning on or after January 1, 2021, and before January 1, 2026, would provide an exclusion from gross income for all survivor benefits or payments received on or after January 1, 2021, and before January 1, 2026, under the federal Survivor Benefit Plan. The bill would require the Franchise Tax Board to submit, on or before December 1, 2025, a report to the Legislature on the income brackets of taxpayers who claimed this exclusion, and would provide findings and declarations relating to the goals, purposes, and objectives of this exclusion.

**AB 305**

(Maienschein D) Veteran services: notice.

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/1/2021)(May be acted upon Jan 2022)

Location: 9/10/2021-S. 2 YEAR

Summary: Current law requires every state agency that requests on any written form or written publication, or through its internet website, whether a person is a veteran, to request that information in a specified manner. This bill would require specified governmental agencies to include, at their next scheduled update, additional questions on their intake and application forms, except as provided, to determine whether a person is affiliated with the Armed Forces of the United States. The bill would require those agencies, through the intake or application form, to request permission from that person to transmit their contact information to the Department of Veterans Affairs so that the person may be notified of potential eligibility to receive state and federal veterans benefits.

**AB 496**

(Chen R) Cremation of veterans with the United States flag.

Status: 7/23/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 118, Statutes of 2021.

Location: 7/23/2021-A. CHAPTERED

Summary: Current law requires a crematory that incinerates an American flag or flags to maintain an accurate record of all American flags incinerated, as specified. This bill would authorize a crematory, upon request of the person with the authority to dispose of the remains, to cremate the remains of a person who was a member of a branch of the United States military with a single American flag. The bill would exempt a flag that is incinerated in this manner from the recordkeeping requirements for incinerating a flag.

**AB 576**

(Maienschein D) Community colleges: apportionments: waiver of open course provisions: military personnel.

Status: 10/6/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 562, Statutes of 2021.

Location: 10/6/2021-A. CHAPTERED

Summary: Current law waives open course provisions in statute or regulations of the board of governors for any governing board of a community college district for classes the district provides to inmates of certain facilities, and authorizes the board of governors to include the units of full-time equivalent students generated in those classes for purposes of state apportionments. This bill would waive open course provisions in statute or regulations of the board of governors for any governing board of a community college district for community college courses the district provides to military personnel, their dependents, and authorized civilian employees on a military base, and would authorize the board of governors to include the units of full-time equivalent students generated in those community college courses for purposes of state apportionments.

tionments.

**AJR 12**

(Stone D) Veterans' educational benefits.

Status: 8/26/2021-Chaptered by Secretary of State-Chapter 118, Statutes of 2021

Location: 8/26/2021-A. CHAPTERED

Summary: Would urge the United States Congress to revise the United States Code to remove the requirement that, to be eligible for GI benefits, a law school be accredited by a specialized accreditor and the overly broad restriction that graduates must be eligible to sit for a bar examination in any state.

**SB 658**

(Grove R) Property tax: exemptions: disabled veterans.

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was APPR. SUSPENSE FILE on 5/10/2021)(May be acted upon Jan 2022)

Summary: Current property tax law, pursuant to the authorization of the California Constitution, provides a disabled veteran's property tax exemption for the principal place of residence of a veteran, the veteran's spouse, or the veteran and veteran's spouse jointly, and the unmarried surviving spouse of a veteran, as provided, if the veteran is blind in both eyes, has lost the use of 2 or more limbs, or is totally disabled as a result of injury or disease incurred in military service, or if the veteran has, as a result of a service-connected injury or disease, died while on active duty in military service. Current law exempts that part of the full value of the residence that does not exceed \$100,000, or \$150,000 if the household income of the claimant does not exceed \$40,000, as adjusted for inflation, as specified. This bill, for property tax lien dates occurring on or after January 1, 2022, would additionally provide a partial exemption for property owned by, and that constitutes the principal place of residence of, a veteran who is partially disabled, as defined, or the veteran's spouse or the veteran and the veteran's spouse jointly, under these provisions.

**SB 661**

(Newman D) Veterans' farm and home loan program.

Status: 10/5/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 549, Statutes of 2021.

Location: 10/5/2021-S. CHAPTERED

Summary: Current law establishes the Department of Veterans Affairs, which is headed by the Secretary of Veterans Affairs. Current law requires the secretary, as head of the department and subject to the policies adopted by the California Veterans Board, to perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all provisions vested by law in the department. Current law defines "veteran" for the purposes of the various programs granting benefits to veterans. This bill would authorize the secretary to designate a deputy, employee, or other official in the department to act for them and to represent them at meetings. The bill would authorize the secretary to delegate powers and duties, as specified.

**SB 665**

(Umberg D) Employment policy: voluntary veterans' preference.

Status: 10/6/2021-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

Location: 10/6/2021-S. VETOED

Summary: Would enact the Voluntary Veterans' Preference Employment Policy Act to authorize a private employer to establish and maintain a written veterans' preference employment policy, to be applied uniformly to hiring decisions, to give a voluntary preference for hiring a veteran over another qualified applicant. The bill would require a private employer with a veterans' preference employment policy to annually report to the Department of Fair Employment and Housing the number of veterans hired under the preference policy and any demographic information about those veterans that the employer obtained in response to the department's reporting requirements. Under the bill, failure to submit that report would render any preference granted by the employer ineligible for the protections provided by this bill.

**Governor's Veto Message:**

To the Members of the California State Senate:

I am returning Senate Bill 665 without my signature. This bill allows private employers to create a temporary veterans' preference for hiring and deems these policies as not violating anti-discrimination laws, until January 1, 2028.

Honoring veterans and assisting them in securing employment are vitally important goals of my Administration. However, I am concerned that the veterans' preference policies that would be permitted by this legislation could negatively impact employment opportunities for women and other protected groups underrepresented

among veterans, such as people with disabilities.

There are ways to make the preference workable and I look forward to working with the author to advance such a policy.

Sincerely,  
Gavin Newsom

## BLUE WATER VIETNAM VETERANS ARE GETTING BENEFITS PAYOUTS, BUT NOT ALWAYS THE RIGHT AMOUNT

By Leo Shane III



An Air Force C-123 flies low along a South Vietnamese highway spraying defoliants on dense jungle growth in May 1966. (Department of Defense photo)

Blue Water Vietnam veterans are getting their disability benefits paid out by the Department of Veterans Affairs, but it might not be exactly how much they deserve, according to a new watchdog report.

The VA Inspector General's Office found that while department staff have done a good job at getting benefits flowing to newly eligible veterans covered by the Blue Water Navy Vietnam Veterans Act two years ago, nearly half of the claims decisions investigators reviewed from 2020 were "inaccurate."

The mistakes total an estimated \$37 million: about \$12 million in underpayments based on veterans eligibility and \$25 million more in excess payments to individuals.

"Employees did not always know how to correctly process these claims, particularly determining accurate retroactive effective dates for evaluations," investigators stated in the IG report, released late last week. "[Benefits officials] should increase oversight to help ensure employees processing these claims clearly understand how to correctly evaluate and decide them."

Benefits for 'blue water' veterans finalized after years-long fight

The move ends a years-long fight to get faster disability benefits for up to 90,000 Navy veterans who served in Vietnam.

In a statement, VA officials told the Inspector General that they have improved training in recent months and put in place "special focused quality reviews" to address the problem.

At issue is a complex collection of rules which followed implementation of the 2019 bill granting presumptive benefits status to Blue Water Vietnam Veterans — individuals who served on ships off the coast of that country during the war, but never set foot on land.

For decades, VA has granted presumptive benefits status to all veterans who served on the ground in Vietnam for conditions related to exposure to Agent Orange, a powerful defoliant used extensively on jungles there. The chemicals are known to cause severe health issues, including rare cancers.

The presumptive benefits status allowed those individuals to skip lengthy (and sometimes impossible to verify) paperwork that they were poisoned by the chemicals if they contracted one of numerous diseases known to be linked to Agent Orange exposure.

Veterans who served at sea near Vietnam have maintained they were also exposed to the toxins, in run off from shore. But it took Congressional action in 2019 to grant them the same status as their land allies

At the time, VA officials said the change could make as many as 560,000 veterans eligible for fast-track benefits, although they conceded that number was likely much smaller given how many troops were already receiving help for other qualifying conditions (such as separate ground tours or missions.)

The Inspector General's report praises VA for their

outreach on the issue and work processing claims thus far, saying that "[benefits staff] has generally determined herbicide exposure for Blue Water Navy veterans correctly."

For first time, some burn pit victims will get presumptive status for disability benefits

An estimated 3.5 million veterans suffered some burn pit exposure overseas during deployments in the last 20 years.

But they also noted that the rules regarding the amount of benefits to be paid out remain a challenge.

"Interviewed employees at multiple regional offices noted that Blue Water Navy claims are more likely to involve retroactive awards, which can be quite complex," the report stated.

In some cases, the start date for payouts is the first day veterans file a claim. In others, the benefits can be pushed back retroactively only to the start of the 2019 law. Staff were more likely to award extra retroactive benefits incorrectly than underestimate the payout start date.

To fix the problem, investigators called for more training and oversight work. VA officials said both improvements are already underway, based on lessons learned after last year.

The full report is available on the Inspector General's web site.

## WHEN RIVERS ARE CONTAMINATED, FLOODS ARE ONLY THE FIRST PROBLEM

AS FLOODS INCREASE IN FREQUENCY AND INTENSITY, CHEMICALS BURIED IN RIVER SEDIMENTS BECOME "TICKING TIME BOMBS" WAITING TO ACTIVATE.

By J. Besl



Floodwaters fill the streets of Port Arthur, Texas, after Hurricane Harvey in 2017.

Hurricane Harvey flooded or damaged at least 13 Superfund sites in 2017, sending cancer-causing compounds into Texas waterways. Credit: S.Sgt. Daniel J. Martinez, U.S. Air National Guard

Dioxins—the category of chemicals that includes Agent Orange—have been banned in the United States since 1979. But that doesn't mean they're gone. Like in the plot of countless scary movies, dioxins and other banned chemicals are just buried beneath the surface waiting to be unearthed.

A new perspective paper in *Journal of Hazardous Materials* calls attention to an understudied area: the remobilization of pollutants buried in riverbeds. Chemicals have a knack for binding to sediments, meaning chemical spills in rivers frequently seep into sediments instead of flowing downstream. Future layers of silt bury the pollutants and hide the problem.

But persistent chemicals in riverbeds are "ticking time bombs," warned Sarah Crawford, an environmental toxicologist at Goethe University Frankfurt and lead author of the paper. The buried chemicals can easily be remobilized. "It just takes one flood event," she said.

Little Pockets of Pollution

The paper comes from an interdisciplinary research team based mostly in Germany, a country that faced catastrophic floods this year that defied comparison. As the climate warms, similarly intense storms are expected to increase. Floods cause immediate turmoil, but chemical remobilization can prolong the disaster.

"Cohesive sediments are really stable over long ranges of flow velocities, but at some point the sediment bed just fails," said Markus Brinkmann, an ecotoxicologist at the University of Saskatchewan and a coauthor of the paper.

"Little pockets of contamination are really easily dis-

persed by flood events."

When the riverbed fails, the turbulent water fills with sediment. That churning water can spread toxins widely. After Germany's Elbe river flooded in 2002, for example, hexachlorocyclohexane concentrations in fish were 20 times higher than they were before the floods. In another example from 2017, Hurricane Harvey flooded or damaged at least 13 Superfund sites in the United States and sent cancer-causing compounds flowing into Galveston Bay in Texas.

"Little pockets of contamination are really easily dispersed by flood events," Brinkmann said.

The location of these little pockets is uncertain, complicating the problem. Urban areas and agricultural hot spots are obvious starting points for research and remediation, "but we just can't pinpoint all of them," said Crawford. "Maybe a farmer in the '60s was spraying DDT. We don't have records of that."

Other questions remain unanswered. How bioavailable are reintroduced chemicals? How toxic are chemicals after decades bound to sediments? What is the economic risk of inaction? "A lot of this hasn't been studied," noted Crawford.

The recent paper doesn't attempt to answer questions about the presence and release of riverbed toxins but tries, rather, to spur interdisciplinary research on the growing threat.

Involving the Community

Interdisciplinary research is essential for such a complex problem. As evidence, the paper's 16 authors include a mix of toxicologists, economists, microbiologists, chemists, and engineers.

"To really accomplish this, particularly at the scale [at which] it needs to be done, you can't have grad students collect every sample. You really need to engage the public."

But it's important that the research expands beyond academia, too. "To really accomplish this, particularly at the scale [at which] it needs to be done, you can't have grad students collect every sample," said Ashaki Rouff, an environmental geochemist at Rutgers University–Newark who was not involved in the research. "You really need to engage the public."

That often means collaborating with marginalized communities. "Issues of climate change and contamination and pollution disproportionately affect communities of color and low-income communities," Rouff added. Getting residents involved in the research "is a way to empower those vulnerable communities and get them more agency in the environmental health of their community."

"It's really important to work with community-based organizations for this type of work, especially in these types of marginalized communities," agreed Vanessa Parks, an associate sociologist with RAND Corporation who was not involved in the research. Residents of at-risk regions are well aware of the threat next door; excluding them from the conversation can increase the frustration and psychological burden of living near a contaminated site.

"Working with communities and having open dialogue about the risks and about environmental monitoring can help engender trust," Parks said.

Ticking Time Bombs Get Louder

While the paper is a call for transdisciplinary action, Crawford and Brinkmann and their colleagues have already facilitated a research network to address the issue. They brought together at RWTH Aachen University in Germany graduate students from multiple disciplines (engineering, economics, ecotoxicology, and more) to research different angles of flood risk and contaminant mobilization. They published an open-access article on their efforts in 2017.

"I really hope to move forward working in an interdisciplinary manner," said Crawford. "I hope we train this next generation of scientists to be able to communicate across different disciplines."

It takes only one fast moving flood to rip up buried toxins and contaminate an entire area. As the climate warms and storms intensify, the ticking time bombs of polluted river sediments are only getting louder.

—J. Besl (@J\_Besl), Science Writer

## MILITARY RETIREES, DISABLED VETERANS TO SEE LARGEST PAY RAISE IN DECADES FOR 2022

A plank owner of the USS Intrepid (CVS 11) observes the Intrepid Sea, Air & Space Museum Memorial Day ceremony on May 30, 2016. The ship was in Vietnam's ter-



ritorial waters during the Vietnam War. Some veterans say they were exposed to Agent Orange during that time. (U.S. Navy photo by Mass Communication Specialist 1st Class Julie Matyascik)

By Jim Absher

Military retirees and veterans receiving disability payments from the Department of Veterans Affairs (VA) will see their paychecks go up by 5.9% for 2022, triggered by inflation and an annual adjustment to the federal Cost of Living Allowance (COLA).

That annual adjustment has averaged around 1.5% for the last 10 years.

The adjustment rate was announced Wednesday by the Social Security Administration. The VA is required by law to alter disability payment rates by that amount. While military retirement is not legally required to follow suit, the change is traditionally the same.

Retirement Pay Increase

For 2022, retired military members will see a \$59 increase for each \$1,000 of military retirement pension they receive each month.

Retirees who entered military service on or after Aug. 1, 1986, and opted for the Career Status Bonus (CSB/Redux retirement plan) have any COLA increases reduced by 1%, so they will see a smaller increase in 2022. They should see a monthly increase of only \$49 per \$1,000.

Survivors receiving Survivor Benefit Plan payments will see the same increase of \$59 per \$1,000 in their monthly payments.

Related content:

Military Retirement & Survivor Pay Dates

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Active-Duty Members on Track for 2.7% Pay Raise in 2022

VA Disability Increase

Disabled veterans will also get a bump. The average VA disability check will go up about \$8.50 per month for those with a 10% rating, and \$185.65 for those rated at 100%.

Related: See the current VA disability compensation rates:

<https://www.military.com/benefits/veterans-health-care/va-disability-pay-rates.html>

## SLOWING HOUSING, FOOD ALLOWANCE RAISES COULD SAVE THE PENTAGON BILLIONS, CONGRESSIONAL REPORT SAYS

By Stephen Losey

Slowing increases to housing and food allowances for service members by switching a crucial benchmark could save the Pentagon billions, the Congressional Budget Office reported Thursday.

The idea proposed in the report involves tying those allowances to the same benchmark used for basic military pay raises.

The Defense Department is required to use the Bureau of Labor Statistics' employment cost index, or ECI, to adjust basic pay, which makes up 70% of the military's regular pay expenses. The only exception is when Congress approves a bigger pay raise.

But housing allowance rates are set annually by the defense secretary, using data on rental housing vacancies in each location. Food allowances are set annually based on the Agriculture Department's index for food prices.

These methods combined have resulted in troops' compensation growing beyond what the DoD envisioned, according to the CBO report released Thursday.

The Pentagon's goal was for troops to be paid at the 70th percentile of earnings for comparable civilians, meaning 30% of civilians in similar jobs would earn more than troops.

But military compensation now greatly exceeds that. The CBO said cash pay -- basic pay plus food and hous-

ing allowances -- for enlisted personnel was at about the 90th percentile of civilians with similar levels of experience and some college education in 2018. The military has, by and large, been successful at bringing in high-quality new recruits in recent years.

The military spent about \$160 billion on cash pay and benefits for service members in 2020, amounting to roughly a quarter of its \$630 billion base budget.

The Bureau of Labor Statistics calculates the ECI using its National Compensation Survey of employers' payrolls, measuring how much compensation has shifted in the U.S. in certain jobs.

"These data raise questions about whether DoD is paying more for its personnel than is necessary to meet goals," the report said. "DoD might be able to pay less and still reach its personnel goals, while possibly meeting other objectives, such as procuring weapons."

The Center for Strategic and International Studies also raised concerns about military compensation costs in its own report released Thursday. The active-duty military hit its post-World War II end strength peak in fiscal 1952, CSIS said, then fell by 64% to its lowest point in fiscal 2016. But over roughly that same time period total personnel costs grew by 110%, driven in part by a rising ratio of officers to enlisted personnel, military pay raises over the employment cost index amount, and significant increases in housing allowances.

The CBO has suggested adjusting all service members' cash payment raises using the ECI benchmark. If this method were adopted in future years, it said, the military could save about \$3 billion annually, or 1.7% of its annual cash pay and expenses costs, by 2030.

The CBO study found housing allowances grew faster than the employment cost index between 2000 and 2020. If the ECI had been used instead, housing allowances for enlisted troops at the E-4 paygrade would have been 9% lower in 2020 than they actually wound up being.

If all elements of regular cash pay had started being adjusted in 2004, the CBO said, the military would have spent about \$4 billion less in 2020 alone.

The CBO also designed and considered a new system for adjusting basic pay called the alternative wage index, which it said would be tailored to the age and education level of military personnel. The ECI does not account for that kind of demographic information.

But when CBO used this method to recalculate raises from 2004 to 2020, it found it would not differ greatly over time from the pay raises set using ECI. The new index also would vary more from year to year, leading to larger swings in pay raises.

The CBO did not consider special and incentive pays, which vary by job and location, and the tax advantages troops enjoy because housing and food allowances are not taxed.

-- Stephen Losey can be reached at [stephen.losey@military.com](mailto:stephen.losey@military.com). Follow him on Twitter @StephenLosey.

## ANSWERING YOUR QUESTIONS ABOUT PROSTATE CANCER IN AFRICAN AMERICAN MEN

One in eight men will be diagnosed with prostate cancer in their lifetimes. But the risk for African American men is higher—75% higher.

"Starting in your early to mid-40s, engage in this discussion with your family doctor," says, Oncologist Dr. E. Ronald Hale. "Be diligent about having regular prostate screening tests done." What are the risk factors?

According to Dr. Hale, the risk for prostate cancer in African American men is 75% higher than in white men who are the same age. And African American men have twice the risk of dying from it.

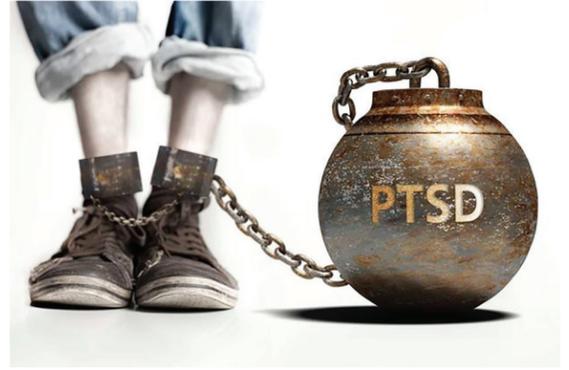
Typical risk factors include unhealthy eating and lack of exercise, which can increase the likelihood of developing prostate cancer and other potentially dangerous medical conditions.

Veterans of the Vietnam War should be also aware of their elevated risk.

## POST-TRAUMATIC STRESS DISORDER

By Jim Absher

Post-traumatic Stress Disorder (PTSD) can occur following a life-threatening event like military combat, natural disasters, terrorist incidents, serious accidents, or violent personal assaults like rape. Most survivors of trauma return to normal given a little time. However, some people



have stress reactions that don't go away on their own, or may even get worse over time. These individuals may develop PTSD.

People who suffer from PTSD often suffer from nightmares, flashbacks, difficulty sleeping, and feeling emotionally numb. These symptoms can significantly impair a person's daily life.

More information on PTSD (<https://www.military.com/topics/post-traumatic-stress-disorder-ptsd>)

PTSD is marked by clear physical and psychological symptoms. It often has symptoms like depression, substance abuse, problems of memory and cognition, and other physical and mental health problems. The disorder is also associated with difficulties in social or family life, including occupational instability, marital problems, family discord, and difficulties in parenting.

If you are suffering from PTSD, or know someone who is, you should contact the VA for assistance.

Each VA medical center has PTSD specialists who provide treatment for Veterans with PTSD. Plus, the VA provides nearly 200 specialized PTSD treatment programs. A referral is usually needed to access the specialty programs.

The VA offers several PTSD treatment options, including medical, mental health, and family services.

Check out the VA's PTSD website for details (<https://www.ptsd.va.gov>).

## IS THERE A LINK BETWEEN AGENT ORANGE EXPOSURE AND CLL?



Agent Orange was an herbicide the American military used to clear leaves and other vegetation during the Vietnam War. More than 12 million gallons were sprayed in Vietnam, according to the Aspen Institute.

The name Agent Orange comes from the colored stripes on the 55-gallon drums it was kept in.

Reports of potential health problems due to Agent Orange exposure started emerging in the late 1970s. The herbicide has now been connected to dozens of health problems in United States veterans including:

- chronic lymphocytic leukemia (CLL)
- other forms of cancer
- Parkinson's disease

The Red Cross, as reported by the Aspen Institute, also estimates more than 3 million Vietnamese people have developed health complications, including 150,000 birth defects, due to Agent Orange contamination.

Are those exposed to Agent Orange at risk for CLL?

In 2002 Trusted Source, the U.S. Department of Veterans Affairs added CLL to the list of diseases linked to Agent Orange exposure.

Of the 195 veterans Trusted Source who were diagnosed with CLL from 2001 to 2010, a disproportional 17 percent were exposed to Agent Orange, according to a retrospective cohort study published in 2014.

Researchers have found that the average age of CLL diagnosis in people exposed to Agent Orange was 61 versus 72 for people who were not exposed.

When adjusted for age, it was found that the hazard ratio of developing CLL after Agent Orange exposure was 1.9, meaning people exposed were almost twice as likely to develop CLL as those not exposed.

Agent Orange is linked to the development of a number of other types of cancers as well. It's thought that alterations in cellular signaling are the underlying cause for

cancer cell growth. Cellular signaling is the ability of your cells to communicate with each other.

A 2017 study Trusted Source found evidence that the prognosis and survival rate of Agent Orange-exposed veterans diagnosed with CLL is similar to those of the general population.

Other diseases linked to Agent Orange exposure Agent Orange exposure is linked to a number of other cancers and illnesses in addition to CLL. The U.S. Department of Veterans Affairs links it to the following:

- Cancers
- bladder cancer
- Hodgkin's disease
- multiple myeloma
- non-Hodgkin's lymphoma
- prostate cancer
- lung cancer
- other respiratory tract cancers
- some types of soft tissue sarcomas
- Other illnesses
- light chain amyloidosis
- chloracne
- type 2 diabetes
- hypothyroidism
- coronary artery disease
- parkinsonism
- early onset peripheral neuropathy
- porphyria
- spina bifida birth defects
- Symptoms of CLL

CLL typically does not cause early symptoms. It's often caught after receiving a blood test for an unrelated issue. As the disease progresses, it may cause symptoms such as:

- frequent infections
- fatigue
- shortness of breath
- pale skin
- bleeding or bruising easily
- fever
- night sweats
- swollen lymph nodes, especially in your groin, armpits, or neck
- swelling or pain in your gut
- unintentional weight loss
- loss of appetite
- Diagnosis

If you have symptoms of CLL, your doctor will likely review your medical history first to look for risk factors such as a family history of CLL. They will also likely do a physical exam to look for swollen lymph nodes and other signs of disease.

If they suspect you may have leukemia, they will order other tests such as the following:

**Blood test.** During this test, a blood sample will be taken to make a blood smear to look at under a microscope to look for evidence of irregular lymphocytes. A complete blood count can measure levels of your blood cells. Having more than 10,000 Trusted Source lymphocytes per cubic millimeter strongly suggests CLL, according to the American Cancer Society. Lymphocytes are a type of white blood cells.

**Bone marrow biopsy.** Your doctor may want to extract a sample of bone marrow to examine the cells under a microscope. They'll extract a small sample of bone marrow by inserting a long needle into one of your bones.

**Flow cytometry.** Flow cytometry uses a machine to examine your lymphocytes to look for markers of CLL.

**Imaging tests.** Imaging techniques such as a CT scan or ultrasound may be used to look for signs of swollen lymph tissue.

**Cytogenetics.** Your blood and bone marrow cells may be examined in a lab to look for certain gene mutations common in people with CLL.

Six types Trusted Source of treatments are commonly used for CLL. These include:

**Watchful waiting.** No treatment is administered unless the disease progresses.

**Chemotherapy.** A drug therapy that uses chemicals to destroy cancer cells. Chemotherapy also damages healthy cells.

**Targeted therapy.** A drug therapy that involves taking medications that can identify cancer cells and attack them. Targeted therapy tends to leave your healthy cells largely unaffected.

**Radiation therapy.** High-energy radiation is used to kill cancer cells and reduce pain related to swollen lymph nodes or a swollen spleen.

**Immunotherapy.** A form of cancer treatment that stimulates your immune cells to target cancer cells.

**Chemotherapy with bone marrow transplant.** Bone marrow cells are transplanted from a donor to replace the

cells damaged during chemotherapy. Your own cells can also be used by extracting them before receiving chemotherapy.

Research Trusted Source has found that people exposed to Agent Orange who have CLL are more likely to be initially treated with fludarabine-based chemotherapy, likely due to diagnosis at a younger age.

#### Outlook

Agent Orange was an herbicide used primarily during the Vietnamese War. Exposure is linked to a wide range of health conditions including CLL and other cancers. People exposed to CLL seem to be almost twice as likely to develop CLL than people not exposed.

Veterans who may have come into contact with Agent Orange can receive a free health exam from the U.S. Department of Veterans Affairs. You may qualify for disability if you have a health condition linked to Agent Orange exposure.

## IRVINE ENDORSES VETERANS CEMETERY IN GYPSUM CANYON, ENDING YEARSLONG DEBATE

By Noah Biesiada

The site of the proposed veterans site in Gypsum Canyon just east of Anaheim Hills on July 1, 2021. Credit: Julie Leopo, Voice of OC

After hours of debate, Irvine endorsed a new site for an Orange County veterans cemetery in Gypsum Canyon, becoming the last city in the county to officially support the new site after years of disputes.

The debate over an Orange County veterans cemetery has raged for nearly a decade, with efforts to find veterans a final resting place on a portion of the former El Toro Marine Corps Air Station in Irvine.

But after those discussions collapsed for the fourth time earlier this year, veterans changed focus and got approval from the Orange County Board of Supervisors to pursue a cemetery on county owned land at Gypsum Canyon.

[Read: Veterans, County Leaders Rally Around Veterans Cemetery in Gypsum Canyon, Legislative Battle Looms]

Over the last four months, proponents of the Gypsum Canyon site have gotten statements of support from every other city council in Orange County, along with the county Board of Supervisors and multiple state and federal officials.

While most of the focus on the cemetery left Irvine months ago, the city never officially voted to abandon the project or to support the new site in Anaheim.

The council's last discussion failed to reach a consensus vote on any issue, and council members openly encouraged veterans to seek other options.

The city council voted 4-1 to support the Gypsum site, with Councilman Larry Agran as the lone dissenting vote in the entire county against the proposal.

Agran has been a longtime supporter of putting the cemetery on 125 acres of land at the north edge of the city's Great Park, leading multiple ballot initiatives zoning the site for a cemetery amid concerns that the land would be sold to developer FivePoint if it wasn't used for the cemetery.

[Read: How Did Irvine Fail to Build a Veterans Cemetery After Nearly a Decade of Debate?]

"On May 20, 2012, the city council of the city of Irvine adopted a citizen initiative to place the veterans cemetery in Irvine, state funded cemetery in Irvine, at the (hangar) site," Agran said in his opening remarks. "A lot has

gone on since that got adopted. It is the law of the city of Irvine, it can't be changed by resolution or otherwise by this council."

While the rest of the council thanked Agran for his work on the cemetery, they pleaded with him to abandon the effort and support the Gypsum Canyon site, promising the land would not be turned over to FivePoint or any other developer.

"Councilmember Agran please, please join me in seeing what could be possible. We will not give it to developers. Let's hold hands and see this through," said Councilwoman Tammy Kim. "This isn't about politics ... this is about our veterans."

Before the council vote, dozens of people came out to speak during public comment on both sides of the debate, with the majority of speakers asking for the council to move to Gypsum Canyon.

The council chambers were split down the middle, with advocates sitting on opposite sides of the room.

The discussion broke down multiple times, with multiple interruptions from proponents in the crowd and multiple times where Mayor Farrah Khan pointed speakers to the exit.

One veteran in support of the Irvine site specifically called out Tammy Kim, who immigrated to the US as an infant from South Korea, asking how she felt about the Americans who died in the Korean War.

"You came from South Korea," the commenter said. "How do you feel about the 36,574 who died trying to save your country for freedom?"

Kim interrupted his comments, yelling "This is my country, I am an American!"

The commenter replied "You're American because you were lucky enough to live to get here."

After that comment, the council shut off the man's microphone, as Khan and Councilman Mike Carroll both chastised the commenter for bringing up Kim's history.

"How dare you sir! Why don't you come down here and express your citizenship credentials?" Carroll said. "You must hear this sir. You are not Irvine."

Khan told the remaining public commenters that if they were disrespectful their time would be cut short.

"It looks like you're going to lose this one," Carroll said to Agran after they heard from public commenters endorsing the shift. "Please put the past behind you ... Your vote no tonight is equivalent to you just being small about the whole issue."

"Tell the people on this side of the house that it's over."

Agran proposed an alternative motion that would have also jump-started construction of a memorial park at the Irvine site, but he failed to gain any traction with his colleagues.

When asked about Agran's effort to break ground on the memorial park, Nick Berardino, leader of the Veterans Alliance of Orange County and the chief proponent of the Gypsum site, said their focus needs to be on the cemetery.

"We'll focus on (Gypsum), and when that's done, then it's time to talk about other things. But right now the county has made a decision. That's what we need to focus on," Berardino said in a Tuesday phone interview after the vote.

"It's time to move on. It's time to heal. It's time for all of us to join hands and make the Gypsum Canyon a reality for all the veterans in Orange County. Make the dream come true."

This article was updated on Oct. 28 to clarify the interaction between Councilmember Tammy Kim and a public commenter.

Noah Biesiada is a Voice of OC Reporting Fellow. Contact him at nbiesiada@voiceofoc.org or on Twitter @NBiesiada.





VVA CA State Council (contact info inside - page 2)

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- Chapter/Council Activities-Events/Photos
- Council Officer/Committee Reports
- Legislative News
- Veteran Info
- And more...

**CSC Meeting Dates & Events**

Full Council - October 29-31, 2021 - Visalia  
 Full Council Meeting - January 14-16, 2022 - Visalia  
 Full Council Meeting - April 15-17, 2022 - Visalia  
 Enhanced Quarterly Meeting - June 16-19, 2022 - Visalia  
 Full Council Meeting - August 19-21, 2022 - Visalia  
 Full Council Meeting - October 14-16, 2022 - Visalia  
**Zephyr deadlines 2 weeks AFTER each CSC meeting**