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MANY VETERANS' BASIC NEEDS STILL UNMET: GOLDEN GATE CONFERENCE

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BY KATRINA DEWEY



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The former general counsel of the U.S. Department of Veterans Affairs, retired Col. Will Gunn, posed two questions to students, academics and others at the [Golden Gate University School of Law's](#) Second Annual Veterans Law Conference: "Is there anything interesting and meaningful left to do in veteran's law and policy? Haven't we solved these issues?"

To many of the veterans in the audience, as well as students who counsel them through Golden Gate's [Veteran's Legal Advocacy Clinic](#), the answer to the second question is clearly no. And yes, answering the first question, there is much meaningful work to be done to help the nation's 19.6 million veterans, many of whom suffer emotional or physical trauma, have experienced joblessness or homelessness and struggle to rejoin civilian communities.

The ongoing plight of veterans motivated Golden Gate Law Dean Rachel Van Cleave to start the Veteran's Legal Advocacy Clinic to assist the thousands of veterans in the San Francisco Bay area.

With many problems, veterans benefit from the assistance of lawyers and law students, who are able to help them complete forms to obtain benefits and ensure proper discharge status, for example.

Golden Gate is at the forefront of legal education providers aiming to strengthen the legal fabric supporting veterans, alongside a rapidly expanding veterans court movement and legal clinics now active in more than 60 VA facilities.

The compact of the nation's support for its veterans was laid in 1865, as the Civil War neared its end. In his second inaugural address President Abraham Lincoln committed the nation "to care for him who shall have borne the battle and for his widow, and his orphan." There have been times of turbulence in the nation's support of its veterans, with Vietnam vets returning to Travis Air Force Base in Northern California being spat upon and enduring taunts rooted in and responding to the policies of the United States. "Part of the reality is that this country has not treated its vets well," Gunn said.

Today, he said, "We're in a good era of feelings and benevolence. But my concern, as senses change, is will we continue to enjoy a period of good will? As resources become more strained and we remove troops from combat, will this continue?"

BROKEN PROMISES

The benefits veterans receive are a basic quid pro quo for their service. Yet in 1781, many members of the Continental Army were demobilized without receiving pay. President Andrew Jackson enlisted black slaves to fight the British in New Orleans, promising them freedom. "And when the war was officially over, those promises of freedom had no meaning and weren't recognized," Gunn said.

A catalyst for the GI Bill of Rights was the meager \$60 bonus veterans received for service in World War I to compensate for their foregone opportunities in the civilian world. In 1924, Congress passed legislation providing veterans with \$500 to \$625 – a dollar a day for time spent as expeditionary forces – though the certificates weren't due to be paid until 1945.

When the Depression began, unemployed veterans, initially from Oregon, converged on Washington, D.C., during the Hoover Administration and set up camp near the 11th Street Bridge by the Anacostia River. "They put in roads, sanitation facilities and received donations," Gunn said. "Their goal was to put pressure on the government to demand immediate payment of the bonuses."

Eventually, after a failed attempt by the Attorney General to remove the veterans from government property, President Herbert Hoover ordered the Army to clear the camp. It did just that, pushing more than 19,000 vets, their wives and children from the area, and burning their campground shelters and belongings.

A decade later, the U.S. faced the return of millions of troops from World War II, and the Labor Department predicted that the vets' reentry would result in the unemployment of 15 million people. "A nation just emerging from the Depression would be right back in the midst," Gunn recounted.

Hary W. Colmery, a former national commander of the American Legion, is credited with drawing up the first draft of what became the Servicemen's Readjustment Act of 1944, known informally as the G.I. Bill. Benefits to veterans included the provision of low-interest loans to start a business, tuition assistance, home-loan guarantees and unemployment compensation for up to one year.

A NATION TRANSFORMED

"This act is one a lot of people believe fundamentally changed this country," Gunn said. "It changed who went to college in this country."

Indeed, by the time the original legislation ended in 1956, some 7.8 million of the nation's 16 million World War II veterans had used its tuition assistance to pay for their education or training, according to the U.S. Department of Veterans Affairs. From

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1944 to 1952, the G.I. Bill's provisions also financed nearly 2.4 million home loans, the department said.

"The act was a tremendous success by any standard," said Gunn. But though the Act on its face talked about being an equal opportunity program, open to all active-duty individuals, the reality was different when its regulations were promulgated and decisions or interpretations made at progressively lower levels. "And when you look at the history of women and minorities who served, there were significant problems," Gunn said.

Women were not able to participate in the benefits of the first GI Bill because those serving in the Women's Auxiliary Corps (WACS) or in the naval reserve as Women Accepted for Voluntary Emergency Service (WAVES) were not classified as on active duty until the 1970s. African-American veterans in the South had to use their benefits at historically black institutions, many of which were overwhelmed by large numbers and had to turn some vets away. Elsewhere in the country, many schools that admitted black veterans did so on a quota system, strictly limiting the number accepted.

The situation with unemployment compensation was similar. "There was one case of an African-American soldier who had put up electrical wire during the war and came back seeking a similar position," Gunn said. "He was told the position was not available to him, but was to white vets. And he was told he couldn't get unemployment, because he was not willing to go back to the fields."

Clearly, Gunn said, "Lots of folks benefited from the program, and it made a powerful difference. But though they had a policy that was neutral on its face, it was not always applied in a neutral manner."

The last 20 years have added scores of new veterans to the rolls of those who have earned benefits after their service in the Gulf, Iraq and Afghanistan conflicts. (About 2.5 million military personnel have been deployed in the Afghanistan and Iraq wars, according to U.S. Department of Defense data.) Still, despite the G.I. Bill being revamped in 1984 and updated in 2008, there is a tremendous need for help for "veterans who have fallen by the wayside," said Gunn.

SPECIALTY COURTS

Homelessness is one of their major challenges, and one on which the Department of Veterans Affairs is focusing. "There is a great linkage between the legal system and ending homelessness," Gunn explained.

The VA conducts a survey each year among caregivers, the homeless and those at risk of being homeless to identify gaps in social services and other assistance for vets. "And when you look at the top 10 unmet needs of homeless vets, several of those are legal needs," Gunn said. The issues involve family law, especially child support modifications; outstanding fines and warrants; driver's license revocation, and evictions and foreclosures.

"If a person doesn't pay child support obligations, the court suspends their driver's license," Gunn said. "These are not issues that require a lot of training to address. But they do require people with legal training to address them." The number one predictor of homelessness and unemployment, Gunn reminded listeners, is involvement in the criminal justice system, particularly incarceration.

In the past decade, the judicial system has adapted the highly successful specialty court movement – used for drug and mental health cases – to veterans. These courts emphasize treatment for nonviolent offenders, addressing the issue at the root rather than assuming incarceration is necessarily the best response.

Gunn recounted the story of a particular judge, Robert Russell of Buffalo, N.Y., City Court, whose drug and mental health court was handling a large number of veterans' cases. A Marine had come before the judge yet again – not unusual, as specialty courts require frequent visits with the judge to emphasize accountability. "But nothing the judge said or did seemed to be making a difference with this Marine," Gunn said.

One day, a member of the judge's staff asked if he could spend some time with the Marine. A little later, Russell called the Marine back up in court. "It was as though he was talking to a different individual," Gunn said. "All of a sudden he's in parade rest, engaging with the judge, and he's focused."

After the session, the judge asked his staff member what had happened. "I was a Marine," the man said. "And I reminded this person who he was."

The episode inspired Russell to create the Buffalo Veterans Treatment Court, which serves veterans struggling with addiction or mental illness. Designed to keep veterans who are nonviolent offenders out of jail, the court is a collaborative effort that draws on prosecutors, defense counsel, health experts, VA specialists and, central to its success, volunteer veterans who mentor the other vets.

"The idea has taken off," Gunn said, growing to 260 veterans treatment courts nationwide, with the VA playing an integral part. Its specialists, he said, are in the courtroom, matching vets with VA services and ensuring that treatment recommended by the judge is provided if the vet is eligible. If he or she isn't eligible, the VA works to match the vet with a civilian program.

"Law schools have been increasing on this front as well," said Gunn, who in his time at Veterans Affairs helped create free legal clinics at 60 different VA facilities. "I'm so happy Golden Gate has this program and you're in a position to serve veterans. That will make a powerful difference, I'm convinced."

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