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PUBLICITY
KEY MESSAGE POINTS

The American Legion

For God and Country

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Key Message Points of The American Legion

The American Legion
Public Relations Division
October, 1998

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Citizens Flag Alliance

Issue - **Constitutional amendment to protect the American Flag from intentional, physical desecration**

Message points:

The Citizens Flag Alliance is a national coalition of organizations that have come together for one purpose: to persuade Congress to propose a constitutional amendment to return to the American people the right to protect their flag.

- CFA is comprised of 134 organizations representing over 20 million Americans.
- Gallup surveys indicate nearly 80 percent of Americans favor flag protection; A 1998 Gallup poll shows three in four respondents (76%) said they favored the passage of a constitutional amendment that would allow Congress to enact laws protecting the U.S. Flag.
- 49 state legislatures -- representing 99 percent of the U.S. population -- have passed Memorial Resolutions petitioning Congress to send the amendment to the states.
- 3 million signatures have been gathered on petitions in favor of the proposed amendment.
- More than 200,000 people have contributed to the CFA.

The Flag of the United States of America is a national treasure that deserves to be protected.

- It says "America." It is our one, unifying symbol of nationhood.
- State laws banning flag desecration were on the books from the 1880s until 1989, when a Supreme Court ruling struck down those laws.
- The American Flag is the one unifying symbol for a nation of immigrants.
- "Old Glory" predates the Constitution by a decade.

The 1989 U.S. Supreme Court decision means that the only way to protect the American Flag is through a constitutional amendment.

- *Texas v. Johnson* invalidated flag laws in 48 states.
- Congress voiced "profound disappointment" and "concern" over the high court's decision and as a result passed the Flag Protection Act of 1989
- In 1990 Flag Protection Act of 1989 was declared unconstitutional.
- Flag is not mentioned in Constitution, therefore not protected by the Constitution.

- First Amendment protects the right to assemble and petition for redress on the flag issue. We are exercising our First Amendment rights to petition Congress for redress.

The broad-based coalition is going about this the right way: seeking opinion and counsel.

- House vote = 312-120; Senate 63-36 (3 short of passage) -- Dec. 12, 1995
- House vote = 310-114, June 12, 1997, for H.J. Res 54, the flag protection amendment.
- A flag protection constitutional was introduced by Senators Orrin Hatch (R-UT) and Max Cleland (D-GA) on February 4, 1998.
- On Oct. 7, 1998, Sen. Majority Leader Trent Lott brought S.J. Res. 40 to the floor of the Senate for unanimous consent. Sens. Robert Kerrey (D-NE) and Patrick Leahy (D-VT) objected and with that, the measure was lost in the 105th Congress.
- The coalition is urging Americans to contact their U. S. Senators and Representatives — through letters, calls and visits to seek their support of a flag-protection amendment.
- The amendment will be introduced again in the 106th Congress.

Note: If you see coverage of this issue in your local newspaper, please clip the item (ensure the clipping is dated), and mail or fax it to the Citizens Flag Alliance at P.O. Box 7197, Indianapolis, IN 46207-7179. Fax (317) 630-1385.

Also, visit our home page at: www.cfa-inc.org

Citizens Flag Alliance - (317) 630-1384
October, 1998

Show Your Colors, America!

Issue - **The *Show Your Colors, America!* Campaign**

Message Points:

-- **SYCA** is a national movement to raise America's consciousness of the United States Flag and win the flag-protection amendment in the Senate. The American Legion, in conjunction with the Citizens Flag Alliance, is asking all Americans to participate in *Show Your Colors, America!*

-- The idea is simple: to show support for a flag-protection amendment, Americans and their entire communities will rally around Old Glory by flying the American Flag from Memorial Day 1998 until Veterans Day 1998. *Show Your Colors, America!* will ask schools, businesses, unions, civic, fraternal and veterans' organizations to involve the whole community.

-- Free promotional materials including posters, door-knob hangars, decals, certificates, public relations articles, brochures, and more is available by calling 1-800-424-FLAG.

-- The American Legion National Emblem Sales has discount flag sets for immediate delivery at (toll-free) 1-888-453-4466.

-- In addition to flying the flag, it is crucial that Legionnaires and all Americans contact their U.S. Senators. Encourage them to co-sponsor or, at the least, support the flag-protection amendment. If they are already with us, we have to thank them. It's important that we keep talking to those Senators who haven't voted "yes" yet.

-- A flag-protection amendment is not about legislating patriotism. In fact, the amendment does not compel any type of behavior, nor would any subsequent law. For 100 years, the American people had the right to protect their flag and *Show Your Colors, America!* is about returning that right to the American people.

-- ***Show Your Colors, America!*** will help us as a community and nation to draw the line in the moral devaluation of our nation and help us rekindle pride in America with a very visible show of patriotism. This is about the future for our children....as American as baseball and apple pie!

-- The flag-protection amendment currently being debated in the 105th Congress reads, "Congress shall have power to prohibit the physical desecration of the Flag of the United States." The amendment prevents individuals from defacing, burning and defiling the American Flag.

-- The American Legion has adopted numerous flag education and flag etiquette programs. Additional information regarding the proper display of the flag and flag etiquette can be found on The American Legion's webpage at **www.legion.org/flagtoc.htm.**

-- What is a flag? The amendment says the "flag of the United States." That's a clear, legal term for what is being addressed. The Congress agreed, in the Flag Protection Act of 1989, that the term "flag of the United States means any flag of the United States, or any part thereof, made of any substance, of any size, in a form that is commonly displayed." That makes it pretty clear we are not talking about ties with flags on them or birthday cakes with Stars and Stripes icing.

-- Desecration vs. Disposal: For 100 years our courts and the American people were able to tell the difference between desecration and the proper disposal of worn flags. It didn't present a problem then, and it doesn't present a problem now. In 1989 Congress passed the Flag Protection Act, and it was able to define "desecration" and "flag." Congress defined desecration as "to knowingly mutilate, deface, physically defile, burn, maintain on the floor or ground, or trample upon the Flag of the United States." An exception for disposal was written into the law. The word "desecration" itself means that the actor intends to cast contempt on the object in question. Unlike some of our opponents, we trust the good common sense of the American people and the fairness of the courts.

-- **Didn't the U.S. Supreme Court rule that flag desecration was a form of free speech? Doesn't the *Show Your Colors, America!* campaign validate that ruling?** Flag burning should not be defended as free speech -- ***it is conduct.*** There are a lot of physical acts that aren't defensible as free speech. The Supreme Court has upheld that burning a draft card is not free speech. Defacing U.S. currency or a mail box cannot be defended as free speech. Indecent exposure is not considered free speech. Burning crosses is illegal; and burning our flag falls into the same category as these unacceptable forms of conduct.

Important facts to keep in mind when discussing the flag-protection amendment:

1. A flag-protection amendment is a right of the American people. Polls have consistently shown that nearly 80 percent of the American people support efforts to protect the flag. Additionally, 49 state legislatures have passed memorializing resolutions asking Congress to pass a flag-protection amendment and send it back to the states for ratification. This issue is about returning to the American people the right to protect their flag.

2. The U.S. House of Representatives, responding to the will of the American people, passed a flag-protection amendment, H.J. Res. 54, by a vote of 310-114. Although the Senate failed to act on the amendment, it will be re-introduced in the 106th Congress.

3. The Citizens Flag Alliance, Inc., is a non-partisan, non-profit coalition of individuals and organizations that have banded together in support of a flag-protection amendment. The CFA was started by The American Legion, but because preventing flag desecration is not just a veterans issue, civic, fraternal, business and religious organizations, as well as private individuals have joined. Since May, 1994, 134 national organizations representing 10's of millions of their members have joined. For additional information on the Citizens Flag Alliance, visit their homepage at **www.cfa-inc.org.**

Citizens Flag Alliance
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Americanism/ Children & Youth

Issue - **Opposes policy of prohibiting the placement of American Flags on individual veteran's graves in national cemeteries.**

Message Points:

-- The American Legion, an organization of wartime veterans, has an ongoing position to oppose attempts to prohibit the placement of flags on individual graves. This was made clear in 1978 at the National Convention in New Orleans when delegates passed Resolution 498 entitled "Oppose Any Plan to Stop the Decoration of Individual Graves in any National Cemetery" and by Resolution 214, passed in 1997 at the National Convention in Orlando entitled "Oppose Policy of Prohibiting the Placement of American Flags on Individual Graves in National Cemeteries."

-- President Abraham Lincoln, in 1862, signed legislation creating the national cemeteries and through the years, it is traditional and customary to decorate the individual graves with the U.S. Flag. The flag represents the country for which they served and by displaying the National Symbol, the country expresses a degree of appreciation to that veteran; that it remembers his or her service.

-- The American Legion believes it is wrong that some national cemeteries have adopted policies prohibiting the placement of the flags while, at the same time, allowing floral and other items to be placed on the gravesites.

-- National Cemeteries are symbolically "American Cathedrals" where the living respect the memories and service of the veterans and family members interred therein. There is no more fitting remembrance of veterans and their service to this country than the U.S. Flag.

Issue - **School Prayer**

Message Points:

-- The American Legion believes Congress should take steps to correct problems resulting from court rulings that have prohibited "prescribed" prayer in schools. A Constitutional Amendment to permit voluntary school prayer is an alternative warranting consideration.

-- The American Legion believes in a person's right to use the Bible in public places, over the air waves and while traveling in space.

-- The American Legion also believes it should be the right of every human being to publicly express his faith in God and the Bible without fear of reprisal from the government or any other power.

-- U.S. Supreme Court decisions in the early 1960's have severely restricted the practice of public prayer even though those decisions simply addressed prescribed or compulsory prayer and not prayer of a "voluntary" nature.

-- The U.S. Supreme Court in 1985 rendered a decision that cited an Alabama law which authorized one minute of silence in public schools for "meditation or voluntary prayer" as being unconstitutional. In 1992, in **Lee vs Weisman**, the Supreme Court affirmed, 5-4, a clear separation between church and state by ruling that it is unconstitutional to allow prayers as part of a public school graduation ceremony.

-- Through the years since the Supreme Court rulings, numerous measures have been introduced in the Congress that were intended to express the sense of Congress for a period of silence in public schools; or which seek a Constitutional Amendment to allow voluntary school prayer.

-- The American Legion has always placed one's belief in a Supreme Being as paramount to a healthy nation. It is reflected in the first clause of the Preamble to The American Legion's Consitution which reads "For God and Country...."

Americanism - (317) 630-1203
October, 1998

Issue - **English as the Official Language**

Message Points:

-- The American Legion strongly urges Congress and State Legislatures to designate English as the official language of government in the United States. As of November 1997, 23 states have adopted English as their official language of government.

-- The American Legion believes naturalized citizens should have the ability to speak and understand the English language. It also believes bilingual programs and ballots printed in another language are counterproductive, costly and tend to discourage immigrants from entering the mainstream of American life.

-- The American Legion urges Congress to encourage and fund alternative bilingual education programs to serve, as was originally intended, as a short intermediate step to achieve a proficiency in the English language. Bilingual education programs that provide primary instruction in the student's native language relegates English to secondary status.

-- The American Legion believes all election ballots should be printed in the English language and that all Citizenship Naturalization Ceremonies also be conducted in the English language.

-- The American Legion believes that the promotion of another language over English in the United States contributes to separatism rather than unification of purpose. It believes that legislation designating English as the official language of this country would help unify the different cultures and facilitate the learning of English by immigrants.

-- The American Legion adopted its first formal resolution calling for English as the official language at a national convention in 1983. A follow-up resolution, adopted in 1994, made reference to the belief that "the English language is undergoing gradual displacement in this era of high immigration."

Americanism - (317) 630-1203
October, 1998

Issue - **Illegal Immigration**

Message Points:

-- The American Legion, since the organization's first convention, has recognized the threat of illegal immigration to this country's security and wellbeing. It has continually passed resolutions calling on Congress and other governmental agencies to pass and enforce effective immigration laws which will restrict entry of illegal immigrants.

-- The American Legion is unalterably opposed to illegal immigration and urges Congress and the states, the U.S. Justice Department and the U.S. Immigration and Naturalization Service to take the necessary action to stop the invasion of this country by illegal immigrants. Specific actions to achieve this goal include the following steps:

1. Hire and train additional border patrol agents with employment preference afforded former military personnel.

2. Urge Congress to pass legislation to empower all the nation's law enforcement personnel to apprehend, hold and incarcerate those individuals who are in this country illegally.

3. Initiate immediate deportation proceedings at major points of embarkation for those arriving in this country without valid passport visas.

4. Require that all legal aliens carry a counterfeit resistant registration card and that they be required to report, in a specified length of time, to local officials their location and place of employment.

5. Petition the President of the United States and the Congress to expand and strengthen the Customs and Immigration Services and the U.S. Coast Guard, and enact such emergency measures as will prevent smuggling of illegal aliens and stop, detain and deport potential terrorists or those with ties to terrorist groups.

6. That, as appropriate, military resources be employed to assist in stopping the flow of illegal aliens into the country, and all of the resources of the United States be utilized to enforce the security of our country's borders.

-- The American Legion urges Congress to seek ways in which to ease the strain on federal, state and local forms of public assistance by reducing or eliminating demands on these services by illegal immigrants.

-- The American Legion supports strict enforcement and heavy penalties for U.S. employers who knowingly hire illegal aliens.

Americanism - (317) 630-1203

October, 1998
Issue -- **The United States Constitution**

Message Points:

-- The American Legion's members pledge their unwavering support for the United States Constitution when they recite the Preamble to the Legion's Constitution prior to organization meetings and gatherings. The American Legion was formed as an organization to uphold and defend the U.S. Constitution in a manner not unlike those who defended the Constitution by paying the supreme sacrifice, with their lives.

-- The American Legion is opposed to any efforts that might result in a "second" constitutional convention. It believes that the procedure for amending the Constitution is Article V and that Constitutional provision has served the nation well for more than 200 years.

-- The American Legion is particularly vigilant in opposing attempts to dilute the rights outlined in the First Amendment. The following is the official position of The American Legion in regards to free speech in the United States:

1. The right of free speech is essential to keep a people free. A people cannot long remain free if they cannot fairly object to the conduct of those they have themselves placed in authority. This guarantees freedom not only to the ones who agrees with us, but to the ones who disagrees with us. Such is the proud constitutional heritage of America.

2. But, like all other rights, the right of free speech must be exercised in a civilized community with due regard to the rest of the community. A right granted by the people for their own protection creates no right to destroy the people. Hence, free speech must not incite to violence and crime or to corrupt the public morale. Reasonable limitations to this end are lawful as protection to freedom of speech.

3. The American Legion remedy to end violations of the right of free speech is, not the use of lawful force, but the use of lawful methods. Complaint should be made to the duly constituted authorities; and if one is lawfully deputized, such authorities may be directly aided.

4. The American Legion remedy to overcome the preaching of unwise doctrine, though in a lawful manner, is not unlawful suppression of the preaching, but education in wise doctrine. Wisdom in the end will always overcome folly, and meanwhile an orderly society will be presrved.

-- The American Legion believes that the weakening of any one individual right guaranteed by the Bill of Rights weakens all rights guaranteed by the document and when individual rights are gone, then all rights reside with the government.

Issue -- **The Star Spangled Banner**

Message Points:

-- **The Star Spangled Banner** became our National Anthem on March 3, 1931, when President Herbert Hoover signed Public Law 823.

-- The American Legion believes that many millions of Americans cherish and respect the currently accepted version, both words and music, of **The Star Spangled Banner,** our National Anthem. This traditional version was first used in 1918 as the "Service Version" by the War Department for use in Army and Navy song books.

-- Many Americans have been offended by disrespectful and unconventional playing and singing of the National Anthem at sporting events. The American Legion encourages the playing of the National Anthem in its original customary and traditional rendition.

-- Some celebrities and public figures have voiced their opinions that **The Star Spangled Banner** should be replaced with **America, the Beautiful** or another song. The American Legion opposes any changes in the words and music of the National Anthem as adopted under Public Law 823 of the 71st Congress.

-- The American Legion urges radio and television networks and stations to desist from pre-empting with commercial advertisements the singing and playing of our National Anthem and the raising and/or lowering of our Flag.

Americanism - (317) 630-1203
October, 1998

Issue -- **Patriotic Holidays**

Message Points:

-- The majority of Americans view Memorial Day as a time for relaxation and leisure recreation rather than as a solemn occasion and a time to reflect and pay tribute to the American servicemen and women who sacrificed their lives in defense of our Nation. This has occurred due, in part, to the changing of traditional holiday dates to create "three-day weekends."

-- The American Legion believes that these time-honored traditional observances of these holidays have eroded because of the changes and dates and commercialization of the holidays. The American Legion believes that the importance of these observances warrants their observance on the traditional dates.

-- The American Legion encourages Congress to restore the official observance of Washington's Birthday to February 22, Memorial Day to May 30 and Columbus Day to October 12 each year.

-- The American Legion urges the passage of federal legislation that would result in an annual Presidential proclamation calling on all American institutions, public and private, to toll their bells for one minute, beginning at 11 a.m. on May 30, in remembrance of the servicemen and women who died defending our Nation and our freedom.

-- **Armed Forces Day:** The American Legion supports the annual observance of "Armed Forces Day."

-- **VJ Day:** The American Legion urges our government to not be influenced by the Japanese or intimidated by them to delete the term "VJ Day" from our vocabulary.

-- **Veterans Day:** The American Legion encourages the nation's schools to conduct Veterans Day observances on or near November 11 each year. The American Legion has pledged to assist in this activity by providing speakers for such observances.

Americanism - (317) 630-1203
October, 1998

Issue - **National Family Week**

Message points:

-- One of the guiding principles of The American Legion Children & Youth program is to maintain the integrity of the family home. As the most basic unit in our society, the family must be strengthened against the negative pressures pushing against it every day.

-- Two-income families are becoming the norm rather than the exception in our economy today in order to have the means to survive.

-- Divorced families, step families, and single-parent families have reached all-time highs and more teen-agers than ever now hold part-time jobs.

-- Children are now being placed in day care centers at a much earlier age and young children are home alone after school (latch key) until a parent gets home from work.

-- Our family program suggests ways for better family interaction and requests that National Family Week be designated by Congress as a permanent annual observance during the traditional Thanksgiving holiday week.

Issue - **Juvenile Delinquency**

Message Points:

-- The American Legion is seriously concerned about the high levels of violent crime committed by juveniles in this nation.

-- While juveniles account for approximately 35 percent of our population, they account for better than 50 percent of serious crimes as reported by the FBI Uniform Crime Reports.

-- According to a recent Department of Justice report on nationwide crime, a murder occurs every 24 minutes, a rape every 6 minutes, a robbery every 55 seconds and an aggravated assault every 33 seconds.

-- Programs are offered by the Office of Juvenile Justice to assist in this issue and The American Legion supports the approval of the necessary funding by Congress to keep this office functioning.

-- Posts and communities are urged to investigate treatment facilities that are available for rehabilitation of juvenile offenders where they exist and make every effort to initiate necessary recommendations for the establishment of these facilities when they are needed but not available.

Issue - **Immunization**

Message points:

-- The American Legion has recognized the need for immunizations being available for all children for many years.

-- Medical advances in vaccines have eliminated many serious diseases over the past several years. As a result, many parents neglect to immunize their children because of a false belief that there is no longer a danger present, or they cannot afford the cost of the shots.

-- Most school systems now make it mandatory for children to be immunized before enrolling in school as many diseases are now starting to reappear in larger numbers because of this apathy toward necessary inoculations.

-- There are federal programs available to provide free immunizations to those families which are not able to pay and The American Legion supports the continued funding of these programs so all children can be protected from disease.

-- An educational program on immunizations has been developed by The American Legion and is available for distribution.

Issue - **Teen Suicide Prevention**

Message Points:

-- Teen suicide is a serious problem across the United States and The American Legion was one of the first organizations to bring the problem to the attention of communities through our Posts and volunteers.

-- Suicide is the third-leading cause of death in the 15- to 24-year-old group, preceded only by homicide and automobile accidents.

-- Suicidal persons hurt. They often feel trapped with no form of escape in sight. They feel helpless about being able to change their futures. They are pressured by their peers as well as adults to succeed at all costs and, if they cannot, they see themselves as failures or worthless.

-- The American Legion provides a brochure called "Warning Sign" that can be used to educate youngsters and adults on what to look for and what can be done.

Issue - **Child Abuse and Neglect**

Message Points:

-- The American Legion has been concerned about this problem from the very beginning of our organization. Our major emphasis has always been the education of adults who come in contact with children to recognize the signs of abuse and neglect.

-- Teachers, coaches, administrators and others responsible for children while they are away from their parents should familiarize themselves with the symptoms of child abuse and, when necessary, have these children referred to the appropriate child-protective service in their community.

-- All laws and penalties relating to child abuse and neglect should be reviewed to determine if they are adequate, based on current model programs as determined by their state.

-- Public awareness of this issue -- as well as knowledge about state reporting laws in the event evidence presents itself -- should be promoted to emphasize that this dangerous situation is real.

Issue - **Drugs and Narcotics**

Message Points:

-- Illegal trafficking of drugs into the United States is one of the greatest threats to the welfare and safety of our citizens, particularly our youth.

-- Illegal drugs have an enormous negative impact on the youth of our society in more ways than physical health. Once the individual is "hooked," the juvenile must then commit crimes against society to obtain money to pay for the addiction.

-- According to current studies, alcohol abuse by teen-agers is the No. 1 drug problem in America, with increased use of marijuana and other drugs right behind it.

-- We oppose any legislation that lowers the drinking age or would legalize the use or sale of marijuana or other hallucinatory drugs

-- The American Legion has been involved with the issue of drug abuse, to include alcohol abuse, since the early 1960s. Our materials are prevention-oriented and we are assisting Posts in developing drug education programs in their communities to include the Drug Education for Youth (DEFY) program, which encourages children to achieve their highest potential by living a drug-free lifestyle.

Issue - **Child Pornography & Other Obscene Literature**

Message Points:

-- Since the early 1960s, The American Legion has taken a stand against the production, sale or distribution of pornographic materials that involve the use of children.

-- Pornography has invaded our neighborhoods at increasing rates and methods to combat the trafficking of this obscenity should be explored by government agencies to include the Post Office, Federal Bureau of Investigation and the U.S. Customs Service.

-- Investigation is necessary by all concerned, to ensure that adequate legislation is in place in each state to prohibit the production, sale or distribution of this obscenity and to also ensure that tough penalties exist and are enforced on those that violate these laws.

-- The American Legion opposes any legislation that reduces present laws against pornographic material in their production, sale or distribution or reduce any existing penalties that would be enforced.

Issue - **Child Abduction/Missing Children**

Message Points:

-- The Department of Justice indicates there are 500,000 incidents each year where children are abducted, run away or are thrown away.

-- Approximately 150,000 children are abducted each year with 50,000 being taken by strangers and 100,000 being taken by non-custodial parents.

-- Run-away and throw-away children have the same needs as other children in our society but are at a great risk of loss of life by being forced to live on the street and endanger themselves in illegal activities to survive.

-- The American Legion became involved with this issue in 1983 to produce materials to educate children on ways to keep themselves safe from abduction. We are also now working this program in partnership with the National Crime Prevention Council. It is called the McGruff Safe Kids Program.

-- Community volunteers are also encouraged to seek methods to provide alternative conditions to our children of the street that they may also be allowed to develop to their full potential.

Economic

Issue - **Military Training and Civilian Licensing Requirements**

Message Points:

-- The American Legion believes that veterans are a national resource and that they bring many fine attributes to the work place. Unfortunately, in many cases, the veteran's military training and skills are not recognized in the civilian labor market. This is particularly true of civilian jobs that require some type of license or certificate. As a result, veterans with skills and experience in a given field must often take redundant training if they want to work in the same field when they leave the service.

-- The Department of Labor awarded The American Legion a grant of $98,982 to oversee a study of military training and civilian licensing requirements in the areas of aircraft maintenance/repair and healthcare. DynCorp Information and Engineering Technology was selected to conduct the study.

-- The findings are:

1. Military training commands should provide servicemembers with information regarding applicable licensure and certification requirements while they are still in training. The servicemembers would also be provided with information regarding education and training resources available to them to meet those requirements during their period of military service.

2. Military and civilian agencies involved in the provision of transition services should ensure that information is made available on applicable licensure and certification requirements.

3. For those servicemembers who choose to seek licensure or certification while in the military, the military services should provide the maximum accommodation and support possible to help them attain the appropriate credentials.

4. Information should be provided to national certification bodies and to state and federal licensure bodies regarding the standard types of documentation of military training and experience that are available to support requests by veterans for credit toward licensure or certification requirements based upon their military training and experience.

5. The military should stay abreast of adaptations to credentialing standards, which undergo frequent modification, and make every effort possible to accommodate new standards.

-- The American Legion believes that the following steps must be taken:

- A study must be conducted of the affect of civilian licensure and certification requirements on all military occupational specialties that were not included in the original study

- Employment barriers that impede the transfer of military job skills to the civilian labor market must be eliminated

- Appropriate steps must be taken to ensure that at the time of training, servicemembers are advised of any licensure or certification they may be required to meet when they enter the civilian workforce

- Steps must be taken to increase acceptance of occupational training provided by the military

Issue - **Strengthening Veterans Preference Statutes**

Message Points:

-- The intent of the Veterans' Preference Act of 1944 was not to create a federal workforce made up entirely of veterans but rather to provide a mechanism for addressing the readjustment needs of American men and women who served in the military during a time of war. Also, the small advantage it gives wartime veterans in competitive examinations, hiring and retention was meant to assist them in regaining the lost ground their careers had suffered as a result of their service to the country.

-- Affirmative action legislation enacted in the '70s required the federal government to establish goals and timetables for the recruitment of women and minorities. Because veterans preference is an earned entitlement, and not an affirmative program, there have never been goals or timetables regarding the recruitment of veterans. Furthermore, veterans, unlike women and minorities, are not protected by Equal Employment Opportunity Commission rules and regulations regarding discrimination. As a result, there is very little incentive to hire veterans and this has encouraged federal managers to become very adept at circumventing veterans preference.

According to the General Accounting Office, over 70% of federal managers have knowingly violated veterans preference laws. The GAO concluded that managers violate the law because they can do so with impunity.

-- The American Legion is seeking legislation that will make federal agencies and federal hiring officials accountable for their actions if they discriminate against veterans because of their veteran status. This gives veterans a process to redress grievances resulting from concerns over discrimination. The Legion believes that veterans must be given a clear, independent and user-friendly redress system for cases of discrimination.

Economic - (202) 861-2780
October, 1998

Issue - **Increasing and Improving Federal Assistance to Veteran-Entrepreneurs**

Message Points:

-- Federal assistance to veteran-entrepreneurs dates back to the enactment of the Serviceman's Readjustment Act of 1944. That legislation established a small-business loan program for World War II veterans that was to be administered by the VA. Because the program was so successful, Congress later opened it to other veterans. When the Small Business Administration was established in 1953, the veterans loan program was transferred to the new agency.

-- In 1974, Congress enacted PL 93-237, which mandated SBA to provide "special assistance to veterans of the Armed Forces and their survivors and dependents." To date, SBA has done little to fulfill that mandate or to promote its veterans program. As a result, The American Legion rescinded all of its long-standing policy resolutions which mandated us to support the SBA and its programs.

-- On May 20, 1998, the House Subcommittee on Government Programs and Oversight and the House Committee on Small Business held a joint hearing on federal assistance to America's veteran-entrepreneurs. Chairman Bartlett (MD) and Chairman Quinn (NY) were so shocked by the testimony of The American Legion and the other VSOs that they began to apply pressure to the SBA. Since then, Director Alvarez redirected $320,000 of the agencies money to complete a Congressionally mandated study of the entrepreneurial needs of veteran-business owners; met with representatives of the veterans community; and formed a task force to study and make recommendations on how to improve SBA's Office of Veterans Affairs. The American Legion views these developments with cautious optimism.

Economic-(202) 861-2780
October,1998

Issue - **Homeless Veterans**

Message Points:

-- On any given night, there are approximately 750,000 homeless people in America. Of that number, at least one-third are veterans. Furthermore, in most major cities, the percentage of veterans in the homeless male population is in excess of 50 percent.

-- While The American Legion is concerned about the homeless problem in general, it is particularly concerned about the plight of homeless veterans and is committed to bringing an end to this national disgrace.

-- The American Legion is monitoring the problem and is acting as a clearinghouse for information on the resources and programs that are available to assist homeless veterans. Representatives of the Economic and Veterans Affairs & Rehabilitation Commissions are working with both the public and private sectors to find unique and effective ways of assisting homeless veterans and bringing an end to homelessness in America.

-- At its 80th Annual National Convention, The American Legion approved Res. No. 70, "Support for Homeless Shelter Funding," Res. No. 162, "Support Millennium Stand-Downs," and Res. No. 163, Funding for Homeless Programs."

Economic - (202) 861-2780
October, 1998

Issue - **The Veterans Employment Opportunities Act of 1997**

Message Points:

-- Unfortunately, in recent years, veterans preference in federal hiring and retention has become little more than a hollow promise. The reason for that is that veterans do not have an adequate redress system to protect them from discrimination based on their veteran status.

-- Congressman Mica (FL) has introduced H. R. 240, the *Veterans Employment Opportunities Act of 1997*, which will correct that problem. That bill was unanimously approved by the House in April.

-- In July, Senators Hagel (NE) and Cleland (GA) introduced S. 1021 which is identical to the Mica bill. Currently The American Legion is looking for additional co-sponsors for S. 1021 and is pressing for a hearing. Preferably that hearing will be held before the end of the first session of the 105th Congress.

-- The main provisions of the *Veterans Employment Opportunities Act of 1997* follow:

- Create an effective, efficient and user-friendly redress system for men and women whose veterans preference rights are violated.

- Remove artificial barriers that bar qualified veterans from competing for federal jobs.

- Prevent unfair personnel practices such as single person competitions during reductions in force (RIFs) which rig the system against the job protection rights of veterans.

- Provide veterans enhanced opportunities to find other jobs during RIFs.

- Extend veterans preference to certain non-political jobs in the legislative branch, the judicial branch and the White House.

- Make violation of veterans preference laws a prohibited personnel practice for disciplinary actions.

- Provide veterans preference to men and women serving in Bosnia, Croatia and Macedonia.

--- The American Legion lobbied long and hard for enactment of this critical legislation. As of October 14, 1998, S. 1021 has been unamiously passed by the House and Senate and is on its way to the White House for the President's signature.

Foreign Relations

Issue - **American Legion POW/MIA Policy**

Message points:

-- The POW/MIA issue is of paramount concern to The American Legion. The Legion's Mandate on this issue commits us to keep the spotlight on securing the "full accounting" for all POW/MIAs from the war in Southeast Asia, the Cold War, the Korean War and World War II. "Full accounting" means the return of live POWs, the repatriation of their remains, or convincing evidence why neither of these are possible.

-- With regard to Vietnam in particular, The American Legion has always believed that the Vietnamese have the knowledge and the capability to account for the fate of more of our POW/MIAs from the War in southeast Asia. Moreover, only Vietnam -- by taking unilateral actions to repatriate remains and to provide relevant information from wartime records, documents and the oral history program -- can help account for many still missing Americans.

-- The American Legion is also concerned that information about America's POW/MIAs has been deliberately and cruelly withheld from their families. The American Legion opposed the Administration's policy to fully normalize relations with Vietnam. Despite the president's certification, we remain unconvinced that Vietnam is cooperating in full faith POW/MIA issues.

-- In 1991, The American Legion commissioned a special POW/MIA Committee charged with thoroughly reviewing all information relating to the POW/MIAs, investigating the "full accounting" issue, and monitoring U.S. policy. The committee meet several times and recommends actions to strengthen our POW/MIA programs.

-- The Special committee's actions have included appointment of POW/MIA Chairpersons in each Department at local level, periodic POW/MIA Updates at national conferences, meetings and conventions, mailings and pub awareness campaigns. For years, The American Legion supported a National POW/MIA Recognition Day which is now recognized annually on the third Friday in September.

-- The American Legion supports the continued declassification of all POW/MIA information, the strengthening of joint commissions with Russia, North Korea and China, and adequate resourcing of investigative efforts and field operations to resolve POW/MIA situations. The American Legion has also worked continuously with both Congress and the Defense Department to improve the policies and programs for the accountability of missing persons.

-- The American Legion will continue to speak out and exert maximum pressure on both the Administration and on the Congress to fully account for America's POW/MIAs.

Foreign Relations - (202) 861-2730
October, 1998

Issue: **American Legion Support for a U.S. National Security-Foreign Policy of "Democratic Activism"**

Message Points

-- The American Legion recognizes the unprecedented changes that have taken place in the international security environment since the end of the "Cold War", including new strategic threats and the need for the United States to adopt a bipartisan national security-foreign policy of "Democratic Activism" (Resolution 96-183) which promotes democratic values, maintains adequate U.S. military power and encourages cooperation with allies, free and fair trade, and assistance to developing nations.

-- We believe U.S. foreign policy should embody 13 principles as outlined in Resolution 96-184 "Principles of U.S. Foreign Policy." These principles are:

1) Recognition of U.S. responsibilities as leader of the Free World;
2) Achievement of world peace by a peace through strength posture;
3) Active promotion of democracy;
4) Support for human rights around the world;
5) Participation in collective security alliances;
6) Use of national resources to achieve our interests;
7) Negotiation and implementation of equitable, verifiable arms control agreements which improve U.S. national security;
8) Opposition to the proliferation of weapons of mass destruction and their delivery means including ballistic missiles;
9) Opposition to terrorism and drug-trafficking;
10) Support for international organizations which support U.S. interests;
11) Participation in the increasingly interdependent free world trade system;
12) Opposition to the abridgment of U.S. sovereignty unless it is in the U.S. interests; and
13) Recognition that the president is the chief architect of U.S. foreign policy and that Congress performs important oversight functions.

Issue - **American Legion support for NATO Expansion**

Message points:

-- The American Legion has long recognized that European security and preservation of the NATO Alliance are critical to America's vital national security interests.

-- The membership of the largest veterans organization is mindful that thousands of Americans fought and died in two world wars in Europe during this century. Many more American veterans served in Europe during the Cold War.

-- NATO has been the most successful security alliance in history because it prevented a third world war in Europe.

-- That is why The American Legion wholeheartedly supported the 1994 U.S.-sponsored initiative known as the Partnership for Peace (PFP) Program, including the concept of extending membership in NATO to Central and Eastern European nations on a case by case basis consistent with their commitments and participation in the PFP.

-- The Legion has supported NATO Expansion since we completed our Study on NATO Enlargement in September 1995. Resolution 96-88 and recently approved and adopted Resolution 97-102 express the Legion's position.

-- The Legion also recognizes that the North Atlantic Treaty Organization of 1949 anticipated the addition of new member states which has included Greece and Turkey in 1952, the Federal Republic of Germany in 1955 and Spain in 1982. Thus, expanding the Alliance is not necessarily a new idea.

-- Legion support for enlarging NATO today is rooted in belief that expanding the Alliance will make it stronger while lending support to the new Eastern and Central European democracies. The Legion believes Expansion will also help erase old ethnic hatreds and border disputes and build an undivided Europe.

-- Thus, the 3 million members of The American Legion believe that expanding the NATO Alliance represents a major step forward for the security of Europe as well as the security of America.

Points on Legion Expectations of The Administration on The Process it Follows for Enlarging NATO:

-- The American Legion believes that the Administration has done the right thing by consulting with Russia on expanding the Alliance. However, Russia should not have a veto over Alliance matters nor any ability to delay entry into the Alliance for any country.

-- The Administration has also acted properly by regularly consulting Congress and the American people on NATO Expansion. For example, The American Legion notes that the Senate in April 1997 created a bipartisan NATO Observer Group to work cooperatively with the Administration throughout the NATO Enlargement process.

-- The American Legion expects the president and the Congress to conduct a full and thorough debate on an expanded NATO and to keep the American people informed. We believe Congress should hold hearings on issues of concern about expanding the Alliance and resolve them in a bipartisan manner.

-- Ultimately, The American Legion expects that the United States Senate will provide its advice and consent to the addition of the new member states to the NATO Alliance in a prompt and timely manner.

Points on the Candidate for NATO Membership:

-- At the Madrid NATO Summit meeting in July 1997, the members of NATO extended invitations to Poland, Hungary the Czech Republic, all formerly part of the Soviet Bloc, to join the Alliance.

-- These first nations to receive invitations to join NATO will not be the last. Moreover, the Partnership For Peace Program will be enhanced for those nations not initially invited into the Alliance.

Foreign Relations - (202) 861-2730
October, 1998

Issue: **UN Reforms**

Message points:

-- In May 1995, The American Legion completed a comprehensive study to determine continued U.S. participation in the United Nations-served U.S. interests. The study concluded that continued membership by the United States was essential and that the United States should retain its veto authority in the UN Security Council and should work from within for long overdue reforms. The study identified a number of very specific reforms in the UN which are incorporated into Resolution No. 187.

-- The American Legion's Resolution calls for the UN to ratify the "UN convention on the protection of peacekeepers" and to encourage the UN to undertake only limited, necessary operations that better mankind and are both cost effective and sensible. The Legion's Resolution also opposes any infringement on national sovereignty in UN operations.

-- With regard to UN internal operations, The Legion believes the UN should adopt weighted voting procedures in the General Assembly in relation with the funds contributed by each member nation. We also believe that the UN Inspector General should be independent and that the UN staff should be professionalized.

-- The American Legion supports an establishment of a equitable fiduciary relationship between the U.S. and the UN. We support reduction of U.S. funding for both the regular UN budget and the UN peacekeeping budget to a 20 percent share. The Legion is also generally supportive of the current Senate plan to repay $819 million in arrears to the United Nations over a three-year period contingent upon certain reforms, which include creation of the independent Inspector General distributing costs more fairly and not infringing upon sovereignty.

Issue: **American Legion Policy on Anti-Personnel Landmines**

Message Points:

-- The American Legion supports the Administrations' efforts to pursue a global agreement to ban the use, stockpiling, transfer and production of anti-personnel landmines.

-- The American Legion recognizes that people in many developing nations face the threat of being killed or maimed by anti-personnel landmines every day. Resolution 10, approved and adopted by The National Executive Committee in Indianapolis, Indiana on October 15-16, 1997, outlines our position on this important matter.

-- We believe that a ban on anti-personnel landmines must be comprehensive, verifiable, and it must apply to all nations, world-wide. We also believe that a landmine ban must allow for critical exceptions for the United States. These include continued use of landmines in Korea and the use of submunitions in conjunction with anti-tank mines.

-- The security situation in Korea is unique and necessitates that the United States continue to employ anti-personnel landmines until alternatives to these mines become available or the risk of aggression is reduced.

-- Moreover, a landmine ban must not prohibit use of anti-tank mines nor the employment of U.S. high-tech anti-tank systems with submunitions (anti-handling devices), which are designed to protect anti-tank mines. Since the United States uses self-destructing and self-deactivating systems, these anti-tank mines and their submunitions do not present a threat to the civilian population after hostilities have ended.

-- Integral to The American Legion's support for an anti-personnel landmine ban is our strong view that the U.S. Defense Department must continue to lead world-wide efforts in de-mining training and in developing new mine-clearing technologies to assist threatened nations which are engaged in mine-clearing operations.

Foreign Relations - (202) 861-2730
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National Security

Issue: **Fiscal Year 1999 National Defense Budget**

Message Points:

-- In Mid-October 1998, the President signed both the National Defense Authorization and Appropriations Acts for Fiscal Year 1999. Congress had enacted several continuing resolutions authorizing defense spending in the new fiscal year.

-- The White House agreed with Congressional negotiators to add nearly $9 billion in an omnibus spending bill which will push military spending close to $280 billion in 1999. This represents the largest defense increase since the 1991 Gulf War. The additional spending would go to the Nation's intelligence services, a national missile defense system, funding operations in Bosnia, readiness and to help solve the "Y2K" computer problem.

-- Congressional defense subcommittees have also increased quality of life features and conducted hearings on readiness features to include active duty and reservists pay raises, funding for training, operational tempos and shortages of spare parts. Once again, the Senate has denied the Defense Department's request for two more rounds of base closures.

-- The American Legion supported these and other quality of life features for military retirees and their dependents to include the provision of military health care and full-funding and retention of military commissaries, and revamping the 40 percent military retirement system.

-- The major military retiree veteran issue is health care, particularly, for Medicare-eligible military retirees who are being denied military helath care in accordance with the provisions of the TRICARE system, which has replaced CHAMPUS. The following demonstration projects have been included in the National Defense Authorization Act for Fiscal Year 1998 or in the Conference Report to the Fiscal Year 1999 National Defense Authorization Act:

- Medicare reimbursement (subvention) demonstration sites at ten military treatment facilities (MTF's) were approved beginning in FY 1998 for three years. The first pilot program, referred to as TRICARE Senior Prime, was initiated at Madigan Army Medical Center, Ft. Lewis, Washington.

- The National Defense Authorization Act for FY 1999 would authorize Medicare-eligible military retirees to enroll in the Federal Employee Health Benefits Program (FEHBP) at six to ten demonstration sites across the country beginning on January 1, 2000.

- The defense budget also includes provisions requiring the Defense Department to redesign the military pharmacy system so that all military beneficiaries, including Medicare-eligible retirees, are provided with a universal, uniform benefit.

- Finally, the FY 1999 defense budget would authorize the pilot test of providing TRICARE coverage as a supplement to Medicare for eligible retirees and their dependents.

- As mentioned, The American Legion will push for improving the military retirement system and closing the military-private sector paygap as well as other quality of life and readiness issues during Fiscal year 2000 defense budget hearings.

National Security - (202) 861-2730
October 1998

Issue: **Separate Gender Basic Training**

Message Points:

-- The role of women in the armed forces has long been recognized and promoted by The American Legion.

-- Sexual scandals in the Services have lead many to question and reevaluate the best way to accommodate the integration of the sexes in the military.

-- The already demanding pressures of basic training can be exacerbated by the distractions, and attractions, of mixed gender training which can undermine morale, discipline and unit cohesion.

-- The Congressionally-chartered Federal Advisory Committee on Gender-Integrated Training and Related Issues recommended that male and female recruits be separated in small basic training units.

-- Equal opportunity for women leaders can be preserved in basic training.

-- Delegates to The American Legion's 80th National Convention unanimously adopted the position that the Chiefs of the Military Services should honestly reevaluate the extent to which mixed gender training in basic training may be compromising training standards as well as discipline and cohesiveness. If, in the face of convincing evidence, the Chiefs of the Military Services do not take reasonable action, then The American Legion would urge the Congress to take the necessary actions to preserve standards of training and conduct in basic training.

-- The National Defense Authorization Act for Fiscal Year 1999 included a provision to require the Service Secretaries to provide separate and secure housing for male and female recruits during basic training. The Congress added a provision that expresses the sense of the Congress that the Service Secretaries should require male and female recruits to be assigned to separate training units.

National Security - (202) 861-2730
October 1998

Issue: **Burial Eligibility for Arlington National Cemetery**

Message Points:

-- Arlington National Cemetery is one of our Nation's most sacred shrines where more than 250,000 veterans are buried.

-- Arlington is one of more than 100 National Cemeteries but, unlike the others, it is administered by Department of the Army.

-- In spite of restrictive regulations, there have been numerous waivers in recent years, falsification of military records to gain interment at Arlington and even an unprecedented Presidential requested waiver and reservation; and

-- Eligibility criteria for burials at Arlington need to be codified in order to assure compliance and fairness and to assure that the remaining space at Arlington is judiciously used.

-- The American Legion urges the Congress to codify eligibility criteria for Arlington burials and that such burials be restricted to servicemembers who die on Active duty; to our most decorated veterans to include recipients of the Purple Heart; to veterans who spent full careers in uniform, and to their spouses and eligible children; to former prisoners of war; and for the President or former Presidents as Commanders in Chief of the Armed Forces. Additionally, The American Legion believes there should be no waivers for unqualified persons except under unique and compelling circumstances which comport with codified non-partisan waiver procedures as established by the Congress. Eligibility for interment of cremated remains of honorably discharged veterans in the Columbarium at Arlington should also be codified. Finally, The American Legion urges the formation of a representative Government Commission to review and resolve issues related to burials in Arlington National Cemetery.

-- A bill mandating that there be no eligibility waivers for burials at Arlington National Cemetery did not pass the 105th Congress but the issue will be revisited in the next Congress.

Issue: **Military Funeral Honors**

Message Points:

-- Rendering military honors at veterans funerals represents the final tribute to veterans and continued rendering of these final tributes will warrant a rededication of resources and manpower to adequately accomplish.

-- Past Department of Defense policy called for the rendering of military honors "within the constraints of available resources." In 1997, the military provided honors only at 30,000 funerals and nearly 35 percent of these honors consisted of single military representatives presenting folded American flags to veterans' next-of-kin.

-- Veterans' mortality rates are steadily increasing and are predicted to reach 620,000 deaths per year around 2006. Likewise, the endstrengths of the active and reserve components are continuing to decline.

-- The National Defense Authorization Act of FY 1999 included a provision to require the Secretaries of Defense and Veterans Affairs to meet with representatives of veterans service organizations and to determine how to improve and increase the availability of military funeral honors. The Military Services must provide, upon request, honor guard details for veterans funerals after December 31, 1999.

-- The position of The American Legion is that the Congress should mandate and appropriately fund the Department of Defense the military services and the Reserve components to provide military honors, upon request in conjunction with veterans service organizations; and that Congressional funding should be used explicitly for this purpose and not for other readiness requirements.

Issue: **Foreign Command of U.S. Troops**

Message Points:

-- In Somalia, the United Nations changed the United States mission from a humanitarian operation to a "Nation-building" combat operation resulting in numerous American casualties.

-- Presidential Policy Decision No. 25 in its unclassified form states that U.S. forces will always remain under the command of the President as Commander in Chief but that American forces, on occasion, may be placed under the temporary operational control of United Nations commanders.

-- Congressional efforts to prohibit or limit the President's authority to place U.S. military forces under foreign or United Nations command have been vetoed by the White House.

-- The American Legion believes that United States military forces should not be place under foreign or United Nations command except in exceptional circumstances where Congress grants specific approval.

-- Although the President as Commander in Chief has the apparent constitutional authority to commit U.S. military forces, many Legionnaires believe that the United States is delegating its sovereignty and decision-making powers to the United Nations.

-- In Korea, Sinai and Haiti, U.S. commanders have been dual-hatted as United Nations commanders. It is when United Nations commanders have been foreign officers that controversy has arisen.

Issue: **Specialist Michael New Case**

Message Points:

-- Michael New refused to appear in uniform with U.N. insignia in preparation for his unit deployment to serve under a Finnish U.N. commander in Macedonia. New refused to comply and was court-martialed and sentenced to receive a Bad Conduct Discharge. His attorneys are appealing the conviction through the military and Federal District court systems.

-- The American Legion has not adopted a resolution but has developed a position with regard to the Michael New case:

a. The American Legion adopts resolutions and mandates which address policies rather than individuals, per se.

b. Many Legionnaires have stated that, as veterans, they had to comply with military orders whether they liked them or not; Michael New should have complied with the order, received his Honorable Discharge, and then challenged the legalities of the order in the United States court system.

c. As an organization well-steeped in legal responsibility, The American Legion cannot condone any American service member for willfully refusing to obey a legal order from his commanding officer, and that was the immediate issue.

d. The American Legion will continue to oppose the policy of placing U.S. troops under foreign or United Nations command unless specifically approved by the Congress.

Issue: **Homosexuals Serving in the Armed Forces**

Message Points:

-- The American Legion has supported the retention and codification of the former Department of Defense ban on homosexuals entering and serving in the Armed Forces.

-- The Congress, in response to the President's stated intention of completely lifting the ban on avowed homosexuals serving in the military, included a modified ban in the FY 1994 National Defense Authorization Act which became known as the "don't ask, don't tell, don't pursue" policy.

-- The Joint Chiefs of Staff is on record as supporting the Congressionally-passed law. In fact, the number of homosexual discharges has increased since its passage in 1994.

-- The current policy of The American Legion contains the following elements:

a. The American Legion urges the Congress to continue to review and revise, as necessary, Department of Defense policies and directives on homosexuals serving in the Armed Forces so that these policies more accurately reflect the spirit and language of the public law.

b. The American Legion urges the Secretary of Defense to reinstate recruit homosexual screening, as authorized in the law, if it is determined that current policies are undermining morale, good order, readiness and unit cohesion in the Armed Forces.

c. That if the current law regarding homosexuals serving in the Armed Forces should be struck down by the Supreme Court, that The American Legion would urge the Congress to enact and restore the former Department of Defense ban to include the explicit language that "homosexuality is incompatible with military service."

Issue: **The Quadrennial Defense Review**

Message Points:

-- Congress in the FY 1997 National Defense Authorization Act specified a two-part National Security Review consisting of a Quadrennial (every four years) Defense Review (QDR), conducted by the Secretary of Defense, and or independent civilian National Defense Panel (NDP).

-- In the QDR, the Defense Department is charged with addressing military strength, force structure, modernization, plans and infrastructure and to assess resultant impacts on future military readiness and budgets through the year 2010. The QDR represents the third review of national security strategy since the end of the Cold War, following the Base Force and Bottom-Up Review strategies.

-- The QDR recommended: That the two-war nearly simultaneously scenario be retained; that active forces be reduced by 60,000; Reserve forces be cut by 55,000; and that the Defense civilian workforce be downsized by another 80,000. The active Army would retain 10 divisions; the Navy would retain 12 aircraft carriers; Air Force fighter wings would decline to 20. Fewer new F-22 and F/A-18 E/F aircraft would be ordered, and two more rounds of base closures have been proposed.

-- The first changes would be reflected in the FY 1999 Defense budget.

-- The American Legion has continued to warn the Congress of the double mismatch in strategy: United States national security strategy is far too ambitious for the forces available, and the inadequate force structure is underfunded yet strategic requirements continue to run at high levels.

-- The American Legion urges the Congress to more adequately recognize and fund the national defense requirements of the United States over those recommended by the Quadrennial Defense Review.

National Security - (202) 861-2730
October 1998

Veterans Affairs & Rehabilitation

Issue - **GI Bill of Health**

Message Points:

-- The American Legion developed the GI Bill of Health to prepare VA's health care system for treating veterans in the 21st century. Problems faced by VA continue to plague its ability to maintain the quality of health care and services that service-connected veterans and all other veterans deserve. Currently, VA is a "hospital based" system funded solely by discretionary dollars which restricts delivery of health care to a very limited portion of the veterans population.

-- The GI Bill of Health would transform VA into a "managed care" system, funded by multiple new supplemental revenues and opening access to all veterans and eligible family members. VA is a national resource which must be improved, strengthened and preserved for future generations of veterans and their families. The GI Bill of Health would:

1. Identify new funding revenues, thereby reducing VA's dependency on discretionary funding.

2. Assure all veterans with service-connected illnesses or disability ratings of 50 percent or greater, continued access to the same VA health care at no charge.

3. Allow veterans, military retirees and their dependents to use existing Medicare, Medicaid, CHAMPUS or Tri-Care, third-party payers or employer health benefit plans to pay for treatment received at VA.

4. Assure all special category veterans, indigent veterans and service-connected veterans rated under 50 percent, access to VA health care services at no charge for service-connected treatment or a reduced charge for nonservice-conditions.

5. Improve the long-term financial stability of VA's health care system by allowing VA to retain all third-party reimbursements from other federal programs, private insurance and employer health benefit plans.

6. Allow VA to retain and expand all specialized services.

7. Turn the Veterans Health Care delivery system into a Model Health Care System to compete for private sector dollars -- which will attract veterans and their immediate families.

-- As a result of Public Law 104-262, the VA Health Care Eligibility Reform Act of 1996, which dealt with access to care, an enrollment process, and contracting-out care, several distinct parts of the GI Bill of Health are being implemented within the Veterans Health Administration. These are: the evolution of a VHA enrollment program; development of a fixed health benefits package; expanded access points; the treatment of retired military veterans' and their dependents through Tri-Care contracts; retaining third-party insurance reimbursements by VISNs.

-- The GI Bill of Health remains a high priority of The American Legion. The proposal was modified to reflect the eligibility changes of Public Law 104-262. The American Legion is making every effort to have the full proposal addressed by Congress.

-- The American Legion will urge the 106th Congress to conduct a comprehensive pilot program of the concepts contained in the GI Bill of Health.

Issue - **Permit VA to be an Authorized Health Care Provider Under All Duly Licensed Health Maintenance Organizations (HMOs), Preferred Provider Organizations (PPOs), and Other Similar Plans.**

Message Points:

-- Public Law 99-272 gave the Department of Veterans Affairs the authority to seek reimbursement from third party health insurers for the cost of medical care provided for nonservice-connected conditions to veterans covered under a health plan contract.

-- Insurance carriers that administer managed care health plans routinely reimburse VA for care provided to their enrollees who have a fee for service policy. When the policy is a strict HMO or PPO contract, the carrier only provides reimbursement to VA in emergency situations.

-- About 30 percent of the population, nationally, have their health insurance with an HMO or PPO plan contract where the VA is not recognized as a preferred provider. This precludes VA from seeking reimbursement for health care services that VA provides to actual or potential enrolled veterans.

-- Current Medical Care Cost Fund (MCCF) recoveries are expected to fall short of projected reimbursement levels; one result of the inability of VA to collect third party recoveries from HMO or PPO contracts. The ability of VA to collect from these health care insurers would improve VA's long-term stability and help achieve the goals of the GI Bill of Health.

Issue - **The American Legion Policy on Long-Term Care**

Message Points:

-- The American Legion is committed to developing a permanent solution to preserve and improve the VA medical care system. This goal includes providing a coordinated continuum of long-term care to meet the needs of the individual veteran.

-- Long-term care within the Department of Veterans Affairs is a continuum of primary care provided to veterans over a period of time who suffer from severe chronic service-connected disabilities and the conditions of aging and/or the disease process. Within VA, long-term care includes skilled and unskilled care; nursing home care; home health care; adult day care; community residential care; specialized rehabilitation care, including Alzheimer's and Dementia care; psychogeriatric care; domiciliary care; assisted living; hospice and respite care; geriatric assessment and management programs; and Geriatric Research, Education and Clinical Centers (GRECCS).

-- The American Legion believes that veterans who are accepted into the system of care provided by VA, under whatever provision of the law, remain the responsibility of the Department. It matters not whether the law changes, because it can only change for the future. VA's charge includes providing quality improvement oversight for long-term care provided by the Department or through private contract. If a veteran is accepted as a long-term care patient, no matter when or under which existent provision of the law, he or she remains the responsibility of the VA. To do anything other is ethically and morally wrong and breaks the benevolent contract established with veterans by a grateful nation.

-- In conjunction with the GI Bill of Health, The American Legion commends a VA long-term care policy that provides a mandatory continuum of care to all 100 percent service-connected veterans; to service-connected veterans whose medical condition requires such care; to eligible veterans whose medical condition requires such care; and all other eligible veterans through the establishment of a health benefit plan that operates on a premium and co-payment basis.

-- At which time an effective date for a mandatory long-term care benefit plan is established by the Congress, those veterans already receiving such care will be grandfathered into the plan, and will continue to receive an appropriate level of care with no future obligation for payment.

-- Veterans Integrated Service Networks (VISNs) will develop a strategy to ensure that comprehensive long-term care services, as outlined in the GI Bill of Health and authorized by the Congress, are provided throughout each VISN.

-- The American Legion supports a better integrated system of long-term care between the VA and the veterans' extended care programs operated by individual states.

-- The American Legion is also studying how VA can make use of under-utilized or closed hospital beds to support veterans' long-term care programs.

Issue - **The American Legion Policy on VA Tobacco-Related Disability Claims**

Message Points:

-- For the last 78 years, The American Legion fought to ensure that disabled veterans receive benefits and medical care for injuries and diseases related to their period of military service. This would include certain diseases which develop after service which could be related to smoking during service.

-- Over the years, agencies of the Federal Government, most notably, the Armed Services and VA, took little or no action to discourage the use of tobacco products by making them readily accessible and affordable (in some instances they were free) to military personnel and veterans, including patients in military and VA hospitals.

-- Although the Federal Government has required a health warning on cigarette packages beginning in 1965, the warning did not appear on tobacco products distributed throughout DOD until 1970. It was not until the early 1990s that DOD began to take action to discourage the use of tobacco products by members of the Armed Forces.

-- Claims for disability and death due to tobacco were generally denied by the courts and the VA due to the lack of scientific evidence of a causal relationship between tobacco use and certain diseases. Within the last several years, however, there has been increasing scientific data establishing a causal link between tobacco use and an increased prevalence of certain diseases.

-- In 1993 the VA General Counsel issued a precedent opinion which held that a claim for service-connection for a smoking-related disability or death was legally possible. From 1993 to May 1997, smoking-related claims were held in abeyance while VA officials debated the practical and budgetary implications of this change in VA policy.

-- The specific evidence requirements for a smoking-related claim were set forth in a May 13, 1997 VA General Counsel precedent opinion. Those requirements are:

1. A currently diagnosed medical condition, such as emphysema, chronic obstructive lung disease, lung cancer, etc.; and
2. A medical opinion which states this condition is related to tobacco use; and
3. A medical opinion which also states that the veteran is dependent on nicotine; and
4. The veteran states that he or she smoked during the service.

-- If these requirements were met, VA would grant direct service connection for nicotine dependence and secondary service connection for the subsequently developing recognized tobacco-related disease. Compensation would be paid based on the severity of the disability.

-- Within six weeks of VA's announcement, the Administration began to pursue legislation to change the law in order to bar benefits in all tobacco-related disability or death claims. They used highly questionable estimates of a huge increase in claims workload and $15 billion in resulting "budget savings." This effort represented a fundamental breach of faith with America's veterans and their families and The American Legion strongly opposed this legislation.

-- On June 9, 1998, Congress passed the Transportation Equity Act for the 21st Century and used the $15 billion in so-called "budget savings" to help fund the legislation. By their vote to take away historic rights and benefits from veterans who were injured as a result of their military service and the federal government's pro-tobacco policy, the majority of Congress was willing to put politics over principle. By that date, VA had only received about 9,000 tobacco-related claims which are being adjudicated under the prior law. Benefits have been granted in less than 500 cases.

-- This action by Congress denied not only compensation to veterans, but entitlement to priority VA medical care. As a nonservice-connected veteran, their ability to obtain needed care is highly problematic, due to VA's restrictive eligibility criteria and severely limited resources.

-- It also established a dangerous precedent which may serve as the basis in the future for Congress to similarly take away the benefits earned by other groups of service disabled veterans, because "there are too many claims" or "they have become too expensive".

-- The American Legion is mandated to seek restoration of entitlement to service-connected disability and death benefits for veterans suffering from tobacco-related illnesses and the necessary Congressional appropriation to pay benefits in such claims.

-- The American Legion continues to urge action by VA and the Congress to pursue a comprehensive Federal settlement with the tobacco industry. This settlement would provide funds on an ongoing basis to VA for the compensation and medical care costs for those veterans suffering from tobacco-related illnesses linked to their period of military service.

Issue - **Department of Veterans Affairs Fiscal Year 1999 Budget**

Message Points:

-- The American Legion opposes freezing Department of Veterans Affairs medical care at the Fiscal Year 1999 funding level through Fiscal Year 2002. The number of veterans seeking VA medical care services continues to increase. The American Legion has testifies in the past before both Houses of the Congress, and in letters to the Administration, that failure to provide adequate funding for health care will drastically impact on VA's ability to provide quality health care and service to our nation's veterans.

-- By specific program areas, the FY 1999 VA budget is as follows:

	FY 1998 Enacted	FY 1999 Enacted
Medical Care (billions)	$17.06	$17.3
• Medical Care with MCCF included	$17.6 billion	$17.8 billion
Medical and Prosthetic Research	$ 272 million	$ 316 million
Construction		
Major	$ 178 million	$ 142 million
Minor	$ 175 million	$ 175 million
National Cemetery System	$ 84 million	$ 92 million
Veterans Benefits Administration (General Operating Expenses)	$ 828 million	$ 855 million
State Home Construction Program	$ 90 million	$ 90 million
Compensation and Pension Benefits	$19.9 billion	$21.8 billion
Total Appropriation	$41.0 billion	$42.6 billion

FY 1999 BUDGET BREAKDOWN

The Fiscal Year 1999 budget for the Department of Veterans Affairs, as approved by a House/Senate Conference Committee on October 1, 1998, is $42.6 billion. This is $438 million above the President's request and $1.6 billion above the FY 1998 level.

Bill language urges VA to increase its efforts for homeless veterans in the grant and per diem programs, specifying not less than $20 million for the two programs. Up to $10 million is earmarked for implementation of the Primary care Providers Incentive Act, contingent upon enactment of authorizing legislation. The conference agreement urges VA to provide Network #3 with a one-time credit of $20 million toward funding reductions required by VERA.

For Research, the conferees agreed to provide $316 million. This funding level is $16 million above the President's request and $44 million above the FY 1999 level. $6 million is earmarked for a Musculoskeletal Disease Center. Up to $10 million is directed to continue and expand research into Parkinson's Disease. Report language was added on Persian Gulf War Illness research.

Approved major medical construction projects include:

Long Beach, CA -- clinical consolidations/seismic
San Juan, PR -- seismic corrections
Cleveland, OH -- ambulatory care improvements
Cleveland, OH -- outpatient addition/renovation
Tucson, AZ -- ambulatory care addition
Lebanon, PA -- nursing home unit renovations

National Cemetery Program

Florida National Cemetery -- columbarium development
Fort Rosecrans National Cemetery -- columbarium development
Jefferson Barracks National Cemetery -- gravesite development

Issue - **Gulf War Illnesses**

Message Points:

Department of Defense (DOD)

-- Over the past year, the Department of Defense broadened its outreach efforts to Gulf War veterans and the active and reserve forces. Town Hall meetings were held at active duty installations throughout the United States. The objective of these visits is to raise awareness of Gulf War illnesses, the programs available to Gulf War veterans and their families, and efforts to improve force protection.

Legislation

-- In the 105th Congress, the American Legion supported H.R. 3980, which would direct the National Academy of Sciences to develop a treatment protocol to guide physicians on how to effectively treat Gulf War illnesses. The legislation would also authorize VA to care for veterans for up to five years after a future overseas deployment that exhibit diseases or illnesses associated with that deployment.

-- Several bills were introduced in the 105th Congress that affect issues related to Persian Gulf veterans. All of these bills (H.R. 3098, H.R. 4035, H.R. 4036, S. 2358) are awaiting final action by the 105th Congress.

Department of Veterans Affairs

-- VA's Gulf War veterans programs improved over the past year. VA is developing 10 clinics, in conjunction with the Department of Defense, that will explore different treatments for Gulf War illnesses. The goal of this treatment program is to find effective treatments for sick veterans sooner rather than later. The legislation created this program was conceived and promoted by The American Legion in 1997. Some other highlights of VA's services for Gulf War veterans follows:

- As of July 1, 1998, over 68,000 Gulf War veterans have taken advantage of the Persian Gulf Registry special health examination.
- Gulf War veterans have accounted for more than 226,530 outpatient visits and 22,978 hospital stays at VA medical centers.
- VA is providing 80,295 Gulf War veterans with disability compensation for service injuries or illnesses of all kinds.
- 1,767 veterans were granted service connection for undiagnosed illnesses.

Issue - **Filipino Veterans Benefits**

Message Points:

-- The American Legion supports legislation to amend section 107, title 38, United States Code, to recognize Filipino World War II veterans as members of the active military service in the United States Armed Forces and grant full benefits for such service and to appropriate sufficient funding therefore.

-- The American Legion also supports legislation to amend section 107, title 38, United States Code, granting equal benefits enjoyed by American veterans to Filipino World War II veterans who became naturalized United States citizens.

Issue - **World War I Veterans Bonus**

Message Points:

-- Approximately 4.7 million men and women served in the United States Armed Forces during World War I. Today, the average median age of the surviving veterans of World War I is 100 years of age. Their numbers have declined rapidly over the past eight years from 63,000 in 1990 to less than 4,800.

-- When these veterans returned home more than eighty years ago, there were no government programs to assist in their readjustment to civilian life. Through the years, the veterans of World War I worker tirelessly to develop and support the comprehensive programs of veterans benefits and services for subsequent generations of American veterans.

-- Now, World War I veterans are ill or infirm and no longer able to work. In many instances they are subsisting in financial hardship.

-- The Government of the United States and the American people have a moral obligation to ensure that all veterans of World War I are not forgotten in their last years. Since its founding in 1919 by the veterans of World War I, The American Legion has maintained its special concern for the needs and welfare of these war veterans.

-- The veterans of World War I are deserving of a special measure of recognition and attention. The most direct and tangible way for the nation to fulfill its obligation to those remaining veterans of World War I is to provide them a modest measure of monthly financial support. The American Legion therefore seeks special legislation to amend title 38, United States Code, to provide:

- The Secretary of Veterans Affairs pay to each veteran of World War I, who meets the service requirements set forth in 38 USC 1521(j), a special monthly pension in the amount of $150. Such pension shall be paid without regard to any income of any kind payable to the veteran or to the veteran's spouse and the corpus of the veteran's estate. Any eligible veteran in receipt of pension under 38 USC 1512 may also receive such special pension.