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BULLETIN

#16

THE NEWSLETTER OF VETERANS UNITED FOR TRUTH, INC.

"VETERANS STANDING UP FOR EACH OTHER"

1 OCTOBER 2007

VETERANS RESOLVE TO CONTINUE FIGHT FOR DISABLED VETERANS AS VA SEEKS TO HAVE LAWSUIT THROWN OUT

FOR IMMEDIATE RELEASE
September 27, 2007

Veterans For Common Sense (VCS)
Veterans United For Truth (VUFT)

Plaintiff veterans groups vowed to continue their fight for timely medical treatment and compensation for wounded veterans despite Defendants' motion to dismiss the complaint "in its entirety", filed on September 25, 2007. The veterans class action lawsuit entitled, *Veterans for Common Sense et al. v. Nicholson et al.*, No. C 07 3758, U.S.D.C. (N.D. Cal. 2007), seeks to force the VA to follow the law and provide timely medical care and disability benefits for veterans suffering from post-traumatic stress disorder ("PTSD").

Ignoring the long litany of charges about the defects in the VA system and statutes and abuses of veterans, the government argues that all claims by anyone about the treatment of our veterans must be "channeled" through that same system, however flawed. Defendants belittle the Complaint as merely raising "frustrations with political processes," and urge that the problems described therein can only be addressed to "representative branches of government." Paul Sullivan, Director of VCS, commented that "The VA ought to be ashamed. Veterans deserve their day in Court. Every day the VA fights our lawsuit means another day that our wounded veterans go without medical care and disability payments."

Ironically, the government's motion to dismiss addresses the veterans' complaint that the laws and procedures applied by the VA are constitutionally inadequate by suggesting that veterans have no rights at all, no forum to raise their complaints, and no access to our district courts. Relying on the archaic principle that "the King can do no wrong," the government argues that all claims by veterans against the government are barred by sovereign immunity. Bob Handy, Chairman of VUFT, stated that "What the VA is essentially saying is that the VA could decide to put all veterans claims on ice for ten years and then just flip a coin, and that there would be nothing a veteran could do about it. This continues its shameful attacks on veterans, reinforcing the view held by many that the government considers veterans to be second class citizens. Every veteran and every citizen in our country should be appalled by this betrayal. We will never give up our fight for justice for the defenders of our liberty.

The VA also argues to the Court that the veterans groups bringing the case (VCS and VUFT), which it labels as mere "advocacy" groups, lack "standing" to raise claims on behalf of their members (i.e. veterans), and that veterans do not have the right to sue as a group, but rather, each veteran must file separately.

As to the government's failure to provide health care to returning veterans, the government argues that its obligations to veterans are not mandatory, i.e., it can provide as little or as much health care as it desires. VCS and VUFT are sure that this is not what the military recruiters tell prospective soldiers. "Just last week, the GAO caught the VA lying to Congress about how much time it takes for a wounded veteran to see a VA doctor. More than 200,000 veterans are homeless in America, and over 600,000 veterans are still waiting in line for the VA to decide their claims. And now the VA says that veterans must take their complaints to Congress, when it is the VA, not Congress that is the problem," Sullivan added.

The veterans groups are represented by Gordon Erspamer from Morrison & Foerster, and Sid Wolinsky from Disability Rights Advocates. The government's motion to dismiss can be read on the veterans case web site at:

<http://www.veteransptsdclassaction.org/cfd.html>.

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