

URGENT REQUEST!

**IMMEDIATE ACTION REQUIRED
AT THE LOS ANGELES VA**



**HOUSE COMMITTEE ON
VETERANS AFFAIRS**



CONGRESSIONAL PETITION **ENFORCE THE JUDGMENT**

SPONSORSHIP

OVERWHELMING VETERAN AND PUBLIC SUPPORT

- Respectful request for the Congressional House Committee on Veterans Affairs (HCVA) to enforce the Federal Judgment entered against top executives at the Department of Veterans Affairs (VA) for unlawful use of Federal property at the Los Angeles VA. (Judgment Attached)
- Respectful request for HCVA to direct the Secretary of the VA to withdraw their Appeal of the Federal Judgment and order the nine non-Veteran occupants with illegal real estate deals with the VA to immediately vacate the premises
- Respectful request for HCVA to direct the Secretary of the VA to provide immediate emergency shelter on these sacred grounds to house and care for thousands upon thousands of war-injured and impoverished Veterans who are homeless in Los Angeles.
- Respectful request for HCVA to direct the Secretary of the VA to take swift and decisive action to terminate Defendant Donna M. Beiter, the executive director of the Los Angeles VA, who has two Federal Judgments entered against her; one for the unlawful use of Federal VA property and the other for violating a Veteran's Constitutional Right to Free Speech. Ms. Beiter has seriously violated the public trust including her Oath of Office to support and defend the U.S. Constitution, and must be removed, posthaste.

PETITION

ENFORCE THE JUDGMENT

WHEREAS; On March 3, 1888, in full compliance with a March 2, 1887 Act of Congress, John P. Jones and Arcadia B. de Baker agreed to deed 600 acres of land in West Los Angeles to the United States Government for the sole purpose to establish and permanently maintain a National Home for disabled and homeless Veterans. The Deed was consummated two days later and the term “permanently maintain” is invoked five different times.

- Today, there are 388 acres left and no semblance of housing and care commensurate with the founding principles enshrined in the Congressional Act and legal Deed because the VA has been illegally leasing this land and facilities to non-veteran entities for non-veteran use.
- On June 8, 2011, the American Civil Liberties Union of Southern California (ACLU) along with a distinguished team of some of our nation’s top law firms and legal scholars, represented Vietnam Veterans of America and local homeless Veterans as Plaintiffs, and filed a landmark lawsuit against VA Secretary Eric K. Shinseki and Donna M. Beiter, the Los Angeles VA director, for the misuse of Veterans land. Secretary Shinseki has since resigned under a shadow of scandal and the new Secretary of the VA, Robert A. McDonald, has assumed Defendant Shinseki’s obligations in this lawsuit.
- The Obama Administration’s Department of Justice and U.S. Attorneys attempted to have the lawsuit dismissed and when that was denied by the District Court, they aggressively fought the ACLU lawsuit even though it was filed on behalf of disabled and homeless Veterans, in spite of President Obama’s promise to end Veteran homelessness by 2015.
- On August 29, 2013, a Federal Judgment was entered against the VA Defendants for engaging in nine real estate deals with third-party non-Veteran entities through so-called “Enhanced Sharing Agreements” that were adjudicated as *“unauthorized by law and therefore void.”*
- The Judgment confirmed what Veteran advocates have known all along and that is these sacred grounds have been grossly abused and misused for decades. The tragic paradox that homeless veterans are deprived of housing and care on land legally deeded in their behalf stems from the special interests of wealthy and influential groups that enrich themselves at the expense of the safety and well-being of this vulnerable population.
- This Federal VA property is situated in the 33rd Congressional District of U.S. Representative Henry A. Waxman and it is his fiduciary duty and responsibility to oversee and protect this national sacred trust, along with the entrusted stewardship of California’s U.S. Senators, Dianne Feinstein and Barbara Boxer.
- On September 3, 2013, Veteran advocates respectfully requested Congressman Waxman to send a directive to the Obama Administration’s Departments of Justice and Veterans Affairs to denounce any plans to appeal the Federal Judgment.
- On September 16, 2013, Congressman Waxman obliged and sent a letter to Secretary Shinseki stating in part: *“Judge Otero's decision was a stern rebuke of the VA's interpretation of the "clear and unambiguous" language of the law. I believe the most constructive path the VA could take now would be to decline to spend resources on an appeal of the decision. I urge the VA instead to accept the decision as an opportunity to work to strengthen the programs that directly serve the needs of veterans on the West LA VA campus.”*
- On October 28, 2013, two months after the Judgment was entered and contrary to Congressman Waxman’s directive, the Department of Justice and U.S. Attorneys representing the VA Defendants defiantly appealed it in the United States Court of Appeals for the Ninth Circuit at the added expense of the American taxpayer and prolonged misery and suffering of disabled and homeless Veterans.
- On December 8, 2013, the 29th District of the American Legion in Orange County, California, with 26 Posts and 8,000 members, agreed to support the Judgment and oppose the Appeal.
- On January 8, 2014, the Los Angeles County Veterans Advisory Commission, representing the five members of the Los Angeles County Board of Supervisors, voted 9-0 to support the Judgment and oppose the Appeal, and on March 14, 2014, sent a letter to the Board of Supervisors requesting the same support.
- On June 28, 2014, the American GI Forum of California unanimously voted to support the Federal Judgment and oppose the “immoral and illegal interlopers” occupying Veterans sacred land.
- On August 16, 2014, at the National AMVETS Convention, every Delegate on the floor voted to uphold and support the Federal Judgment and to reach out to the leadership of other VSO’s to do the same.
- On August 19, 2014, the Los Angeles County Board of Supervisors representing more than 10,000,000 residents and nearly a half-million Veterans, voted 5-0 to write a letter to the ACLU, Department of Justice, the VA and all County Mayors and Council Members, supporting the Judgment and acknowledging the ongoing mediation of the Appeal to ensure that expanded services for homeless Veterans who have health, mental health and substance abuse issues will be met. To reinforce this, Supervisor Zev Yaroslavsky, whose 3rd District surrounds the VA property, boldly proclaimed before the 5-0 vote: *“Clearly there's been a push and pull on what the appropriate use of the property ... the VA property is ... and the appropriate use of the property is for Veterans services period ... over and out.”*

- On September 6, 2014, the Los Angeles Alliance of Neighborhood Councils (LAANC), representing all 96 City of Los Angeles Empowered Neighborhood Councils, met in Hollywood, CA, and passed a Motion demanding that the Los Angeles City Council pass a resolution demanding that the Veterans Administration and the Federal Government drop its appeal in Federal Court and open up the West Los Angeles Veterans Administration property to offer permanent supportive housing to all homeless veterans.
- On September 17, 2014, the Government Accountability Office (GAO) released a report detailing widespread mismanagement at the Los Angeles VA regarding the misuse of property and facilities through unlawful land-use agreements and subsequent under-billing, including improperly diverting funds.
- It has been more than three years since the lawsuit was filed and more than a year since the Judgment was entered.
- Heretofore, the entrusted elected servants have promised big while failing our Veterans bigger when they neglected to protect and defend this sacred land from abuse and misuse. Incredulously, Senators Feinstein, Boxer and Congressman Waxman claim they were unaware of the misappropriation of Federal property and funds, declaring *"We are deeply disturbed by the GAO's findings and are thoroughly disappointed that the West Los Angeles VAMC has not lived up to its sacred obligation to our veterans."* How could they not know about this biggest land-fraud scandal in American history with their combined total of 83 years of elected public service that entrusted them to oversee and protect this sacred obligation? Documented evidence proves that for years they were all aware of the widespread mismanagement at the Los Angeles VA and did nothing to stop it.
- In addition to the failed oversight of entrusted elected servants, Donna M. Beiter, executive director of the Los Angeles VA and a co-defendant in the ACLU lawsuit, declared after the release of the GAO report: *"I am extremely concerned about the findings of process and oversight deficiencies in our land use program, as identified in the recent Government Accountability Office (GAO) report. Clearly, this report brought to light significant vulnerabilities that are unacceptable. To correct this situation, I am working with our Network and Veterans Health Administration leadership to take swift and decisive action on each and every finding in this report. Our core mission is providing our Veterans with the exceptional healthcare they have earned and deserve, and that mission will continue to be my primary focus."* This is beyond incredulous as Ms. Beiter is a Defendant in two ACLU lawsuits and both are centered around the mismanagement of VA property and she lost both cases. She now has two Federal Judgments entered against her.
- The existence of the ACLU lawsuits and subsequent Federal Judgments, plus the GAO report, give testimony of the combined negligence and failure over past decades. However, feigning ignorance of previous and ongoing law breaking and corruption is not a defense.
- Senators Feinstein, Boxer and Congressman Waxman recently wrote new VA Secretary McDonald to "Bring all land-use agreements into compliance with all applicable federal laws and policies as expeditiously as possible."
- This request is immoral and illegal because it is impossible to imply that illegal contracts be made legal, unless there's a void of moral principles and a habitual violation of the rule of law.
- In sum, fellow Veterans and the general public will not allow more mismanagement and misappropriation of these sacred grounds with even more falsification of the existing illegal contracts to benefit the illegal occupiers.

THEREFORE, with overwhelming Veteran and public support of the Federal Judgment and opposition to the VA's Appeal, it is imperative that this land be used as it was legislated by Congress in 1887 and legally Deeded in 1888, for the sole purpose to establish and permanently maintain a National Home for disabled and homeless Veterans.

BE IT RESOLVED, we join the overwhelming Veteran and public support and hereby Petition the Congressional House Committee on Veterans Affairs to "Enforce the Judgment" by directing VA Secretary Robert A. McDonald to withdraw their Appeal of the Federal Judgment and order the nine non-Veteran occupants with illegal real estate deals with the VA to immediately vacate the premises.

BE IT ALSO RESOLVED, we join the overwhelming Veteran and public support and hereby Petition the Congressional House Committee on Veterans Affairs to further direct the Secretary to provide immediate emergency shelter on these sacred grounds to house and care for thousands upon thousands of war-injured and impoverished Veterans who are homeless in Los Angeles.

BE IT FURTHER RESOLVED, we join the overwhelming Veteran and public support and hereby Petition the Congressional House Committee on Veterans Affairs to direct Secretary McDonald to take swift and decisive action to terminate Defendant Donna M. Beiter, the executive director of the Los Angeles VA, who has two Federal Judgments entered against her; one for the unlawful use of Federal VA property and the other for violating a Veteran's Constitutional Right to Free Speech. Ms. Beiter has seriously violated the public trust including her Oath of Office to support and defend the U.S. Constitution, and must be removed, posthaste.

Respectfully submitted to: Jeff Miller, United States Congress; Chairman, House Committee on Veterans Affairs

Respectfully submitted by: Old Veterans Guard