

HOW SPECIAL INTERESTS STOLE HOME

by Francisco Juarez
VAL-OR, USA, P.M.

This paper addresses the failures of the Department of Veterans Affairs that arise when it uses bureaucratic code to bury the moral obligation of caring for America's Veterans.

By most appearances there are no legal grounds to sue the government for violating the moral obligation, to care for "those who have borne the battle", also referred to as "the Promise of Sacred Trust".

Today's VA has a long history of violating its own U.S. Title 38 codes, then, winning or settling law suits with cash payments and "gag orders". This fact results in the continued, State by State, disproportionate application of medical treatment, medical malpractice payouts, wrongful death cases, unpaid compensation, seizure of compensation (5301) and other benefits.

In most of these cases, what the VA sees is a mere legal challenge for having mismanaged its task. Veterans and Veterans families, on the other hand, especially those diagnosed with PTSD, are forced to live under life threatening circumstances.

To the individual Veteran and families, these matters are egregious in nature and keep Veteran advocates busy "24/7". They are, however, handled separately from VA asset management and one violation in particular, the "HOME" at West Los Angeles, California, that was donated to be enjoyed by the larger demographic, is focused here.

Relative to the many complaints of gross negligence of promised benefits and, or, available land resources, responsible historians and journalists will agree, not attempt to justify, that treaties, worded and executed by the United States of America with other nations, particularly in the settlement of matters of the indigenous nations in this hemisphere, are national promises that have been broken and are a black eye on the face of a great nation.

Promises to Veterans have been breached, too, while past Presidents and today's clueless elected representatives continue to mouth false pledges for support of the Veteran community. The combination of these broken promises may not represent a national treaty but the firmly documented intent has been inculcated so much so that the public mindset, for centuries, has always said to "do the right thing".

In this understanding, the public has tasked the government to proportionately adhere to the terms of our U.S. Title 38 and, relative to land-grab, the only "Master Plan" at WLA, the Act of 1887 and the Deed of 1888. It is not tasked to create and implement game-changing settlement plans.

The "HOME" at WLA represents the "gushing wound" of all that has been promised to disabled Veterans and not delivered because the government is legally mandated, since the 1800's, to permanently maintain the property as a "HOME", not a healthcare facility that is now prepared to lease to non-veteran entities for the next 50 years.

VA, WLA, could very well be a “HOME” with a healthcare facility on it but the problem created by President Obama’s new law is that it gives the illusion of a home on a healthcare “campus”. The Secretary’s settlement plan was passed on first draft and will fail. In truth, the new law excludes Veterans and “genuine” services that are 100% direct benefit to Veterans by allowing non-veteran special interests to “back-in” to becoming service providers they never were. They are, thereby, usurping the gift-land for Veterans.

In this case of the “Crown Jewel, Home, gift-land”, referred to as such because it was uniquely donated in exchange for, only, the federal government’s promise to permanently maintain it as a “HOME”, there are legal precedents that exist that will prevent the recorded Deed from being breached by the new “Leasing, Campus” law.

Herein, lays the foundation for Veterans to bring legal action against the government in the Supreme Court because the President is now involved.

The unique Deed of 1888, along with the particular 1887 Act of Congress, established, one year and one day between, the receivership of land on which the Veterans “HOME” was established. Both of these legally binding government-sanctioned documents compose the original, two-part, purposefully and permanently intended “Master Plan” that, by definition of its terms, conditions, spirit and intent must last “forever”.

Further, this Master Plan of the 1800’s challenges President Obama’s new law of 2016 because of the numerous legal precedents that will legally override the changes that are expected once in effect. Those precedents are described in Loren Bon’s, 2011, Annenberg Foundation, Metabolic Report.

Clearly, beyond all of the abuse of individual Veteran’s rights and benefits, the dismantling of this national “HOME” through HR5936-turned-law is the worst violation of sacred trust. It, now, blemishes the integrity of the United States of America to genuinely keep its promise for her Veterans. It is a climatic point in a scripted chain of events leading up to the worst assault on our Veteran community.

The closest that this violation of the moral obligation, as expressed in the Deed, ever came to the surface was in the 2013 judgment by federal court Judge Otero in which he cited that there were nine “void” leases on the gift-land that violate the VA’s bureaucratic code (the Deed was never mentioned) mandating that all leases on the property provide services for disabled Veterans. He left it to the VA to resolve the matter.

Shortly thereafter former Secretary, Shinseki, resigned from office supposedly behind the scandal caused by the Phoenix “patient list” (which is back in the news for the same thing at the time of this writing).

In his place, President Obama appointed Secretary McDonald who immediately focused on the pending settlement of the West Los Angeles case that the ACLU had brought before Judge Otero, who had already ruled.

The situation at this time appeared to have been part of a larger plan because UCLA and ACLU lawyers “lawyered up”, according to Ron Olson, from both sides of the case, and, VA bureaucrats, a VSO Coalition and elected representatives, all, appeared to execute their respective roles in a scripted and rushed plan that would lead to the President signing a flawed settlement plan into law.

Our review of “senior” Senator Dianne Feinstein’s involvement with this land-use policy matter reveals the following:

(1) In 2008, when the idea of commercial interests and a possible football stadium on the gift-land were brought up, the Senator wrote and pushed legislation through that established a “hands off” warning. In her promotions she succinctly cited the intentions of the Act and the Deed.

(2) The Senator’s husband is a Regent of UCLA (an entity that is specifically mentioned in the new law) and a senior executive of one of America’s largest commercial real estate firms. He is given credit for brokering the agreement that had UCLA Baseball Stadium take over the American Legion Baseball field.

(3) UCLA is adjacent to the VA gift-land and, beyond maintaining its triple-A baseball stadium, on September 13, 2016, the Chancellor revealed plans to his managers for the construction of 1500 to 2500 units of low-income student housing on our gift-land.

(4) The Senator and her husband socialize with the non-veteran, wealthy and politically connected constituency of “void” lease holders, UCLA, Brentwood School and other entities that operate within this zip code that ranks among the top political campaign donors.

(5) Within those circles, there is a federal attorney, Ron Olson, who spoke longer at the unveiling of the settlement plan (November, 2015) than the Secretary. He specializes in federal land-use policy. He allegedly orchestrated Secretary McDonald’s settlement plan and the corresponding legislation that the Senator and the local Congressman, Ted Lieu, wrote.

(6) Her visits to disabled Veterans at the hospital on the gift-land throughout her long term can be counted on one hand.

The local junior congressional representative is a Veteran and he appears to have been hand-picked by Ron Olson, his former employer, to replace former Congressman Waxman. When the House passed his HB 3484, a mirror image of Feinstein’s SB 2013, he, the other three California congressional representatives and Congressman Jeff Miller, Chair of the House Committee on Veterans Affairs (and the Speaker), were the only members of congress assembled in chambers and it passed on a voice vote.

Former Congressman Waxman also supported the special interest influence of land-use policy on the gift-land and, too, his visits to the disabled Veterans were sparse over his 34 year term. He, at least, was bold enough to hang a picture of Vietnam protester Tom Hayden in his office to show where he came from and that his mindset and culture were not to keep the “HOME” as intended. These three elected representatives and the L.A. County Supervisors have contributed to the dismantling of the “HOME” as it was intended to be. They are text book in that they manipulated the truth, misrepresented the true Master Plan and misinterpreted the words expressed therein.

Add to these political puppets a group of constituents that formed a Veterans organization from this zip code, composed of notable Admirals, Generals, other high ranking officers and enlisted that don't want to be left out of the party. While it is good that Veterans form, they should not form under the damaging objective of mitigating our VA "HOME" and, in the process, attempt to pass their organization off as typical of the larger Veteran demographic. The main reason that the grounds are open space is because of the influence that these non-veteran special interests have had on land-use policy over the years. They have developed their plan, including a dog park and a parking lot, for the land without input from the larger Veteran demographic. Secretary McDonald adopted it in whole and named it his "Master Plan", a plan that excludes more Veterans per square foot and thoughtless of other services that are 100% direct benefit to disabled Veterans, a tenant expressed in the original Master Plan.

Supporting this allegation is in Senator Feinstein's and Congressman Waxman's 2008 legislation, created to prevent commercial takeover of the gift-land, including a football stadium. Today, the Senator's and Congressman's legislation-turned-law enables UCLA to continue occupying the gift-land, unfettered, in its semi-pro, triple-A baseball stadium.

Manipulation, misrepresentation and misinterpretation are the weapons that special interests have used to combat the grassroots Veteran advocate challenge of the Secretary's ill-conceived settlement plan, now the President's ill-conceived law.

From the bottom, where oil is pumped from, to the top, where the children of billionaires attend private school, the actions of these entities and individuals express absolutely no genuine concern for the individual disabled Veteran and they have convinced their cronies and themselves that their plan to share what little space that is left will certainly help the national footprint of our nation's defenders that also "own" this "HOME".

What course do advocates have today?

To be continued.....