



In Service to America

The California Zephyr



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In Service to America

A QUARTERLY NEWSLETTER

VOLUME 23-2

SPRING 2022

PRESIDENT'S MESSAGE

CALIFORNIA VIETNAM VETERAN MEMORIAL

An Ad hoc committee has been formed to oversee the maintenance of the California Vietnam Veteran Memorial in Sacramento. Members include people from Cal Vet and members from veteran organization. Dick Southern and I are representing the California State Council, also on the committee are Ken Holybee chapter 223 and Pete Conaty Chapter 500. The estimate to repair the memorial was quoted at \$108,161.86

Our short-term goal was to pay for the vandalism damage before Welcome home Vietnam Veteran Day, March 29th. The cost to repair the vandalism is \$5,476.24. The Board Directors of the state council voted to put up \$3,100 and a VVA member from Chico will put up the balance. I have asked Seth Reed, to look into putting legislation for the state to pay for maintenance to the memorials on the state capitol grounds.

We are starting a fundraising campaign to pay for the vandalism and the cost of the maintenance. The funds raised will pass through the state council. In order to make a difference, we rely on the support of generous individuals and businesses to help us to repair the memorial. We will be most grateful if you would consider donating whatever you can to help with the funding of the repairs and will be appreciated by the Vietnam Veterans community, your support is critical to the completion of this project. We will keep you updated on our progress as we go along.

Please contact Dick.southern@gmail.com If you are able to support our efforts to make a difference in the Vietnam Veterans Community or send a check made out to VVA CSC, Inc.

You can contribute to the restoration project by mailing a check to: CA Vietnam Memorial Committee 8400 Old Melones Dam Rd. Space #86 Jamestown, CA. 95327
Alan Cook, President



CHAPTER 201

Changes Meeting Times

During the December 2021 Holiday Banquet of the Darwin J. Thomas Memorial Chapter 201, the Board of Directors (BOD), distributed a survey to the membership to determine if the Chapter should change the time, and possibly the day, that the Chapter holds its monthly meetings. The objective was to solicit the thoughts of the membership to improve the potential of the Chapter's ability for more active participation.

A number of individuals have indicated that they were becoming increasingly reluctant to drive at night and were uncomfortable driving at night on the freeway and therefore are not willing to attend Chapter meetings.



The Chapter 201 has been holding its monthly meetings at 7:00 pm, with dinner and social hour beginning at 6:00 pm on the third Monday of each month at Holder's Country Inn Restaurant since 2015. Having heard some of the members concerns, the BOD considered changing the meeting time to begin at Noon instead of the evening time frame and distributed a survey asking the membership what day of the week they preferred for a daytime/noon meeting and which day of the month (1st, 2nd, 3rd, or 4th) they preferred. Additionally, the membership was asked if they would be more likely to attend if the Chapter would have "guest speakers."



After compiling the results of the surveys, and coordination with the Country Inn Restaurant on the availability for Chapter meetings, it was determined that the Chapter should change its monthly meeting dates to the 4th Monday of each month from 11:30 am for the social hour and lunch and 12:30 pm for the business meeting beginning with the February meeting on the 28th of February. The first "noon time" meeting was an unexpected success. A total of 35 members and guests were in attendance.

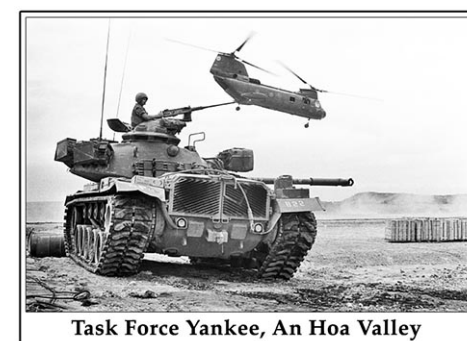
OPERATION TAYLOR COMMON

With the 21st ARVN Rangers

Operation Taylor Common was a search and destroy operation conducted by Task Force Yankee, a task force of the 1st Marine Division supported by the Army of the Republic of Vietnam (ARVN), that was conducted north of An Hoa, in the Dai Loc and Duc Duc Districts from 6 December 1968 to 8 March 1969.

By Jack Wells (LtCol, USMC, Ret)

The "Search and Destroy" Operation, code named Taylor Common, commenced on December 7, 1968, coordinated by a 1st Marine Division subordinate command, called Task Force Yankee, which was located at the Marine Corps An Hoa Combat Base. The large Taylor Common operation was unique, in that three Vietnamese Ranger Battalions, from the 1st ARVN Ranger Group, had a vital role in Taylor Common. The Vietnamese Rangers named their participation in Operation Taylor Common, as Operation Le Loi.



Task Force Yankee, An Hoa Valley

Brigadier General Ross T. Dwyer Jr. was the Commanding Officer of Task Force Yankee that commanded units from Battalion Landing Team 2/7, 1st Bn, 3rd Marines, 5th Marines, the 1st ARVN Ranger Group, and other supporting units. The 1st ARVN Ranger Group, based in Da Nang, was comprised of the 21st, 37th, and 39th Ranger battalions.

The purpose of Taylor Common was to eliminate North Vietnamese Army forces from their avenues of approach and infiltration routes used for attacks on Da Nang. This area, about 20 miles southwest of Da Nang, was referred to as Base Area 112, by U.S. military commands. Taylor Common forces were also to try and eliminate North Vietnamese Army and Viet Cong forces operating in what was called the "Arizona," an area on the north side of the Song Thu Bon (river), and north of the An Hoa Combat Base. It was estimated that over 3,000 North Vietnamese soldiers from the 21st, 36th, and 141st Regiments, were located in this large area, along with Vietcong soldiers from the 1st Viet Cong Regiment. The Marines named this area the "Arizona" because, as in the days of the Old West, Marines who went into this area were guaranteed a gun fight.

The 21st Ranger Battalion was commanded by Major Vo Vang, a highly respected and aggressive battalion commander. Vo Vang was a graduate of the ARVN military academy in Da Lat, similar to the U.S. Army's West Point Academy. Vo Vang had performed heroically during the October 1965 battle at Plei Me, the location of a U.S. Army Special Forces camp, in Kontum-Gai Lai Province. The siege of Plei Me was the first large battle against soldiers of the North Vietnamese People's Army (PAVN) by U.S. Army and ARVN forces during the Vietnam war. South Vietnam's President Nguyen Van Thieu, later presented Lt. Vo Vang, a valor award after the Plei Me battle. Lt. Vo Vang was later promoted to Captain and became the Executive Officer of the 21st Rangers, and later, while still a Captain, became the Commanding Officer of the 21st Rangers. After the 21st Rangers assisted in the 1968 battle for Hue, Vo Vang was promoted to Major.

The U.S. advisor to the 21st Rangers was Army Captain, Freddy E. McFarren, who was a West Point graduate. The 37th Rangers advisor was Army Major Alfred Brunette,

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The opinions expressed in this newsletter do not necessarily represent the views of VVA, the State Council or its members.

Who Are The Vietnam Veterans Of America?

Founded in 1978, Vietnam Veterans of America, Inc. is the only national Vietnam veterans organization congressionally chartered and exclusively dedicated to Vietnam-era veterans and their families. VVA is organized as a not-for-profit corporation and is tax-exempt under Section 501(c)(19) of the Internal Revenue Service Code.

VVA'S FOUNDING PRINCIPLE

"Never again shall one generation of veterans abandon another."

PURPOSE

The purpose of Vietnam Veterans of America's national organization, the state councils, and chapters is:

To help foster, encourage, and promote the improvement of the condition of the Vietnam veteran.

To promote physical and cultural improvement, growth and development, self-respect, self-confidence, and usefulness of Vietnam-era veterans and others.

To eliminate discrimination suffered by Vietnam veterans and to develop channels of communications which will assist Vietnam veterans to maximize self-realization and enrichment of their lives and enhance life-fulfillment.

To study, on a non-partisan basis, proposed legislation, rules, or regulations introduced in any federal, state, or local legislative or administrative body which may affect the social, economic, educational, or physical welfare of the Vietnam-era veteran or others; and to develop public-policy proposals designed to improve the quality of life of the Vietnam-era veteran and others especially in the areas of employment, education, training, and health.

To conduct and publish research, on a non-partisan basis, pertaining to the relationship between Vietnam-era veterans and the American society, the Vietnam War experience, the role of the United States in securing peaceful co-existence for the world community, and other matters which affect the social, economic, educational, or physical welfare of the Vietnam-era veteran or others.

To assist disabled and needy war veterans including, but not limited to, Vietnam veterans and their dependents, and the widows and orphans of deceased veterans.

FUNDING

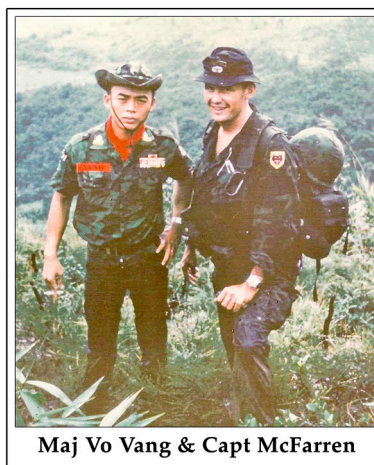
Vietnam Veterans of America relies totally on private contributions for its revenue. VVA does not receive any funding from federal, state, or local governments.



and the 39th Rangers advisor was Army Captain David R. Brown. All U.S. advisors to ARVN military units, typically attended a 6 week "Advisors School" held at Ft. Bragg, North Carolina. After completing the Advisors School, Capt. McFarren and Maj. Brunette, then attended a 3 month Vietnamese language school at the Fort Bliss Army base, in El Paso, Texas, before reporting to Vietnam.

The month of December 1968 turned out to be unseasonably dry in the Taylor Common tactical area, which made the logistics easier for the U.S and ARVN units on the operation. After first light on December

7, 1968, Marine Helicopter Squadrons 165 and 364 brought Marine Battalion Landing Team 2/7 units to LZ Champagne, at the southwestern part of the "Arizona." The BLT 2/7 forces would serve as a blocking force for the 21st, 37th, and 39th battalions of the 1st ARVN Ranger Group that arrived at locations to the east and northeast, two days later, on December 9th.



Maj Vo Vang & Capt McFarren

The morning of December 9, 1968, the 21st and 37th ARVN Ranger Battalions were transported by helicopters to landing zones about a mile apart from each other, in the northern part of the Arizona area, to join Operation Taylor Common. Marine Corps artillery units supported the

ARVN Rangers, and Marine Artillery Forward Observer



Marines Await Turn Loading CH-46 Helicopters at An Hoa During Operation Taylor Common

teams had been sent to each Ranger battalion to arrange for artillery support, when needed.

The Rangers were also supported by the battleship New Jersey that was located off the coast of Da Nang, in the South China Sea. The New Jersey's

16" guns fired a projectile that weighed 2,000 lbs. ARVN Skyraider aircraft provided support as did Marine Corps fighter jets based at the Da Nang Airbase.

Shortly after landing, the 21st Rangers discovered Viet Cong bunkers and fighting holes, and captured two VC soldiers. Two days later, on December 11th, the 21st Rangers suffered 6 killed and 20 wounded in a battle with NVA soldiers who were located in a small wooded area near the village of Dai Khuong.

On December 16th, Major Vo Vang moved his command group to the top of a small hill overlooking the Song Vu Gia river, while his 21st Rangers searched areas along the river for NVA/VC forces.

That night on the hill, I heard Maj. Vo Vang in a loud conversation on the radio. Maj. Vo Vang had broken into the radio network used by the NVA/VC units nearby, and dared the NVA commander to try and attack the 21st Rangers. Capt. McFarren recalls he was told how to say "we are going to kick your butt" in Vietnamese. On several occasions, Maj. Vo Vang had Capt. McFarren say the "kick your butt" phrase to the commander of the nearby NVA forces, on their radio network.

On December 23rd, the 21st Rangers fought against an estimated two NVA battalions, near the village of Dai Khuong. The NVA needed to maintain their infiltration routes and logistic support bases in Base Area 112, and the Arizona, and fought aggressively against the 21st Rangers. The battle continued throughout most of the day, and 12 Rangers were killed and 53 wounded. It was estimated that NVA casualties were 158 killed, and 10 NVA crew served weapons were captured. Both Capt. McFarren and I observed the bravery and aggressiveness of the 21st Rangers in the battles during Taylor Common. The Rangers and Vietnamese Marines were considered the best of the ARVN military forces.

The December 23rd battle between the 21st Rangers and NVA forces, took place the day before a bilateral, 24-hour Christmas cease-fire, which was to have started at 6 PM on December 24th. Throughout the Vietnam War, it was hoped that U.S. declared cease-fires at Christmas and New Year, would lead to a permanent cease-fire

to end the war. Communist forces broke their own self-declared 1968 Christmas truce, with attacks on US and ARVN forces, more than 20 times throughout South Vietnam.

On December 29th, the 21st Rangers found themselves in another large battle, near the village of My Hoa, against two battalions from the NVA 21st Regiment. CBS sent a reporter, Richard Threlkeld, to report directly from the battle area, and thousands of nightly news, television viewers throughout the U.S., watched Threlkeld's live broadcast, with the bodies of 21st Rangers, who had been killed during the battle, visible in the background. The next day, NBC sent a reporter to the 21st ARVN's, location, but the battle had ended.

On December 31st, the day after a New Year's cease-fire was to have started, the 21st Ranger command group was on the move to another position, when around 4 PM,

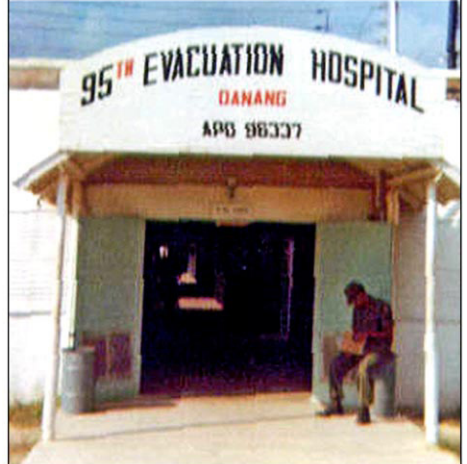
the command group was ambushed by a small VC/NVA force, that killed one Ranger and wounded 6 others, including the U.S. Army advisor, Capt. McFarren. Insert Image: Medevac Here

Minutes prior to the ambush, Capt. McFarren had arrived by helicopter from a meeting at the Task Force Yankee headquarters at An Hoa Combat Base, while the 21st Ranger Command Post (CP) group was moving to another position. I stopped and waited until



Capt. McFarren had exited the helicopter, and placed his combat gear on his back. Once McFarren started moving to catch up to the CP group, I started walking on top of a rice paddy dike to join up with the CP group ahead of me. A minute or so later, from behind some bushes, 50 yards to my left, a gun from a VC or NVA ambusher fired. Even though I was the closest to the VC/NVA ambusher, he knew that Capt. McFarren was the "honcho," and a more

important target than a Marine artillery lieutenant, and fired at McFarren, hitting him in the arm. A medevac helicopter was requested and Capt. McFarren, and the wounded 21st Rangers, were evacuated to the U.S. Army's 95th Evacuation Hospital in Da Nang.



For Operation Taylor Common, through December 31st, the three Ranger battalions suffered 69 Rangers killed, and 273 wounded. NVA/VC losses from ARVN Ranger battle action, were estimated at 590 killed and more than 90 captured.

After Operation Taylor Common ended, Task Force Yankee, along with all the units who were on Taylor Common, including the 1st ARVN Ranger Group, were awarded a Navy Unit Commendation, by the U.S. Secretary of the Navy, John H. Chafee, for the highly successful operation. It was very unusual for ARVN units to receive a U.S. Navy award for combat actions during the Vietnam War. Prior to the Navy Unit

Commendation award, the 37th and 39th Ranger Battalions had received U.S. Presidential Unit Citations for extraordinary heroism in battles.



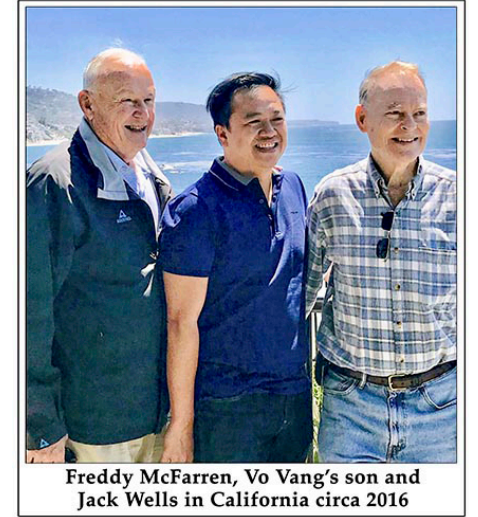
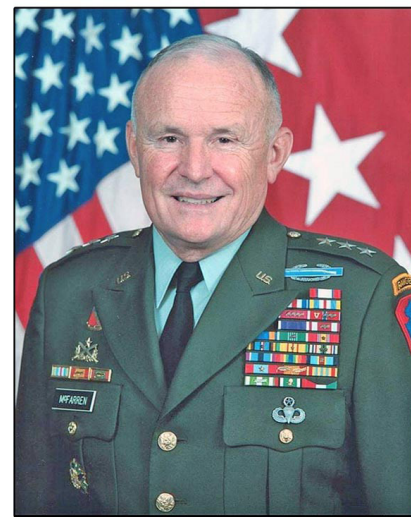
An Hoa Combat Base Home of Task Force Yankee

After all U.S. military forces had left South Vietnam, and the U.S. Congress ended funding for South Vietnam's military, on March 29, 1975, Communist forces captured Da Nang, the second largest city in South Vietnam and had taken control of all of Central Vietnam, a month before the take-over of Saigon on April 30, 1975.

A day before the capture of Da Nang by Communist forces, Maj. Vo Vang's wife arranged to escape to Da Nang by boat with

her 6 children. The Commanding Officer of I Corps ARVN forces, LtGen. Truong ordered Maj. Vo Vang to try and set up a last minute defensive position in Hoi An, on the coast, south of Da Nang, to try and stop the advancement of Communist forces approaching Da Nang from the south. The Order to abandon Da Nang was given to LtGen. Truong by president Thieu. The next day, when Maj. Vo Vang tried to escape by boat, he was captured and placed in the re-education camps, where he was killed a year later.

Freddy E. McFarren received his commission from the United States Military Academy in 1966 and served as Ranger group advisor in Vietnam. He served in multiple combat operations: in Grenada, in Panama, and Desert Storm in Saudi Arabia. He returned to West Point as the Commandant of Cadets in 1994. McFarren commanded Fifth Army until September 2003 when he retired from the Army as a Lieutenant General.



Freddy McFarren, Vo Vang's son and Jack Wells in California circa 2016

Jack Wells served in Vietnam during 1968-69 as a first lieutenant with Alpha and Bravo companies, 1st Battalion, 7th Marine Regiment, 1st Marine Division, and later as executive officer of H Battery, 3rd Battalion, 11th Marine Regiment, 1st Marine Division. Jack retired from the Marine Corps as a Lieutenant Colonel.

NEW SKILLED NURSING FACILITY

CalVet Celebrates Construction Kickoff for New Skilled Nursing Facility and Memory Care at Veterans Home of California-Yountville

YOUNTVILLE – Construction on the new \$269 million, 240-bed skilled nursing and memory care facility at the Veterans Home of California-Yountville is under way, with the facility expected to open early in 2024.

The project is a partnership with the California Department of Veterans Affairs (CalVet), the Department of General Services (DGS), and contractors Rudolph and Sletten Inc. and CannonDesign.



Yesterday, CalVet hosted a kickoff event for the Home's residents, staff and members of the public at the construction site. "Today is a giant step toward ensuring we continue to our care for our veterans for generations to come. This activity – resculpting the earth, laying the foundation, cementing the cornerstone - is writing the next chapter in this Home's amazing and unique history," said CalVet Secretary, Vito Imbasciani MD, as he gestured to the construction equipment behind him.

Rudolph and Sletten CEO, Jon Foad, the Home's Allied Council Chair, Gary Sloan and Home Administrator, Lisa Peake joined Imbasciani to discuss the project and the amenities it will provide to Yountville veterans and their spouses.

"This facility will be built to withstand the test of time," said Foad. "I pledge to you that our team will provide CalVet, the CalVet staff and our veterans with a place they are proud to call home."

When completed, the new facility will become the first new free-standing structure built on the Yountville campus since Jefferson Hall – located on the hill above the new hospital site – opened in 1978. The new SNF and memory care facility will replace the 90-year-old Nelson M. Holderman Hospital, which opened in 1933. The East Wing was added in 1948, followed by the West Wing in 1953, and the C.M. Miller Medical Center in 1962.

"It is amazing that this home – the oldest and largest in California – will also have the newest state-of-the-art skilled nursing facility," Administrator Lisa Peake said. "Our veterans and their spouses deserve nothing less than the best California has to offer, and they will have the opportunity to see what that means when we open the doors of the new Skilled Nursing Facility."

All of the rooms in the new facility will be single bed occupancy. Each will have its own bathroom. Each floor will include dining and social areas, and other amenities. It will include a main dining room and shops on the first floor.

HISTORY OF THE HOME: The Veterans Home of California-Yountville was founded by a private group of citizens who, in 1881, saw the need to help aging Civil War and Mexican War veterans. The group raised \$17,500, acquired 910 acres, and began building the veterans home that opened in 1884. When the federal government quit funding privately-owned facilities in 1897, the state purchased the Home for a \$10 gold coin. The state has owned and operated the facility ever since, with CalVet taking over after the agency's formation in 1946. The Home ultimately became the flagship for CalVet's Veterans Homes of California system of care; eight Homes located throughout California—from Redding to Barstow to Chula Vista. It is the oldest and largest home for veterans in the United States.

For more information on the VHC-Yountville SNF project, including live feed of the construction site, visit www.calvet.ca.gov/yountvillesnfproject

To view the SNF project media kit, including video, pictures, and stories about the Home, visit bit.ly/3DciS73.

CHAPTER 933



Photo 1. Chapter 933 members joined the Presidents Day Celebration at the Clovis Memorial Park where they read quotes from several former POTUS. Members performing were (from R) George Labord, Jim Johnson, Wayne Scott (in his traditional role as Abraham Lincoln) and, at far right, Don Hayhurst.

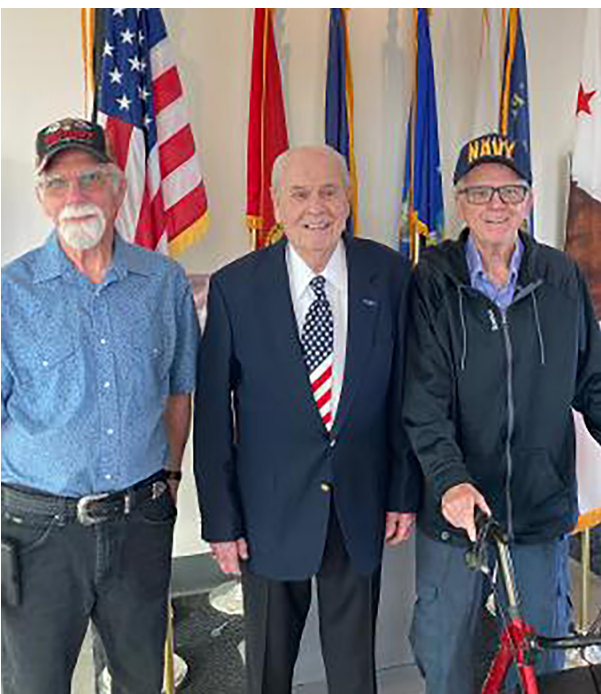


Photo 2. VVA Chapter 933 members Don Hayhurst (L) and Jim Johnson joined their friend and fellow veteran Vernon Schmidt (US Army, W W II) at a unique event in Clovis where two Czechoslovakian army officers, military attaches to the embassy in Washington D. C., presented their country's Medal of Liberation to Vernon,

honoring his front line service in the liberation of their nation. He was one of three WW II U. S. veterans receiving this honor. Vernon's unit also liberated several concentration camps. He has been a great friend and supporter of Vietnam veterans in our community.

CHAPTER 47



Pantry Mager Joe Pelsue with George Swift and Rodney Lloyd in the pantry as the new refrigerators arrive.



Chapter 47 President George Swift, Board Member and Pantry Coordinator Rodney Lloyd in front of one of the new refrigerators at the March Veteran Village



Chapter 47 President George Swift stands in front of one of the new refrigerators being installed at the March Veterans Village. Next to him are a few of the shelves of non perishable goods provided to the vets.



The small old refrigerators at the March Veteran Village being replaced by the new bigger refrigerators bought by Chapter 47

Adds New Commercial Refrigerator And Freezer To March Veterans Village

Chapter 47 - Inland Empire purchased new Kelvinator Refrigerator and Freezer for March Veterans Village pantry. These were sorely needed said Joe Pelsue the pantry supervisor. They needed 2 -3 house refrigerators to

hold all products they needed to store.. These are commercial type that you see in the big stores with glass doors and lots of room.. These were very expensive but worth it for our previous homeless and at risk veterans and their families. Chapter 47 continues to feed these veterans every day by keeping these full of food and hygiene products .. we have 3 pantries and now a new one Veterans Park in Pomona. They also just added 60 new beds at March and building a new one in Redlands 80 apartments and new one in San Bernardino 30 apartments also the one in Cathedral City is just about finished and will be housing 60 veterans, and these are all in Chapter 47 area.

CHAPTER 643



The Western Regional Vietnam Veteran's Memorial Wall Foundation invites you to their

Dedication Ceremony

"You are not forgotten"

April 30th 2022
10am

Lunch to be served after ceremony

At The Dinuba Memorial Hall
249 S Alta Ave, Dinuba CA 93618



For More Information Call
Romelia Castillo (559) 273-3161
Or
Emily Burnias (559) 852-6207



Please invite Vietnam Veterans Chapters to Dinuba Ca Memorial Hall for the completion of upgrading the grounds and mounting the Wall to keep the on a cement barrier foundation. Now the over 58,000 names will be there forever. This is a Replicate of the Vietnam Wall in Washington. Only very close to you all. Let all the Vets who have not gotten to Washington DC to come here and visit our fallen Brothers. April 30th, at 10:00 AM will be the Ceremony.

VVA Volunteers from Chapter #643 and a Committee to restore the Wall have worked on this project for over two years. All monies raised by them to pay for the Wall to be here in California.

Also, Invite guys and gals to travel to Dinuba Smith Mountain Cemetery for Memorial Day Military Ceremony on Memorial Day. The flags from Veterans Coffins will be flying in the wind. The one hour program starts at 10:00 AM sharp right at the Smith Mountain Cemetery on same day May 30th 10:00 AM. The Dinuba Schools provide entertainment along with speakers from the audience. As Secretary/Treasurer I invite you Veterans to take a short trip to Dinuba on that Day. Lots of places to stay with a Holiday Inn in Town too. Visit Sequoia or Kings Canyon National Parks as they are only 30 minutes away from us.

George Madrid US Navy Seabee Veteran Vietnam Veterans Chapter #643-Dinuba
559-528-2811 geodrid@sbcglobal.net

INCARCERATED VETERANS NOW PERMITTED TO REQUEST LOWER SENTENCES

WHAT APPELLATE COURTS HAVE SAID ABOUT PENAL CODE SECTION 1170.91
By Eileen C. Moore

The U. S. Supreme Court says courts should consider a criminal defendant's military history. Noting a California statute beneficial to veterans in a footnote in Porter v.

McCollum, 558 U. S. 30 (2009), the nation's highest court granted habeas corpus relief after a Florida court reduced a defendant's military service to "inconsequential proportions." The Supreme Court stated: "Our Nation has a long tradition of according leniency to veterans in recognition of their service, especially for those who fought on the front lines as Porter did. Moreover, the relevance of Porter's extensive combat experience is not only that he served honorably under extreme hardship and gruesome conditions, but also that the jury might find mitigating the intense stress and mental and emotional toll that combat took on Porter."

California has advanced that notion by permitting incarcerated veterans to return to court to allege their military service caused certain conditions and ask for a lower sentence. This article will discuss Penal Code Section 1170.9 and some of the published opinions concerning veterans' quests to seek lower sentences.

Penal Code Section 1170.91

For many years, sentencing courts have been required to consider a veteran's military-related conditions as a factor in favor of granting probation. But as of January 1, 2015, under Penal Code Section 1170.91, even when probation is denied, sentencing courts must consider a former or current service member's sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse or mental health problems that may be a result of his or her military service as a factor in mitigation when imposing a determinate prison sentence. Penal Code Sections 1170 (b), 1170.9, 1170.91.

Concerns arose because many veterans suffering from those conditions were already in prison when Section 1170.91 went into effect. Thus, an amendment was enacted. As of January 1, 2019, veterans who were sentenced prior to 2015 were permitted to request resentencing if the condition was not considered as a factor in mitigation at the time of sentencing.

Once that amendment went into effect, opinions on Section 1170.91 flowed from appellate courts as imprisoned veterans sought lower sentences. Here are a few take-aways involving incarcerated veterans suffering from one or more of the conditions set forth in the statute, which conditions were not considered by the original sentencing court when defendant was sentenced.

Sentencing court "shall" consider a veteran/defendant's qualifying condition

A defendant's case was remanded for resentencing because the original sentencing judge, while aware of defendant's military service and related mental health issues, was apparently unaware of the court's duties when a defendant is a veteran. The Court of Appeal held the sentencing court was required to consider defendant's military circumstances, "as a mitigating factor in both evaluating whether to grant probation and in selecting the appropriate determinate term." Penal Code Sections 1170.9, 1170.91; People v. Panozo, 59 Cal. App. 5th 825 (2021).

A reasonable and unsettling inference to be drawn from this case is that, in addition to the court's being unaware of its duties, the prosecutor and the defendant's own lawyer were also unaware of Section 1170.91. Also unsettling is that for years now, every arraignment court in California, "shall inform the defendant that if the defendant is on active duty in the United States military, or is a veteran of the United States military, the defendant may request a copy of the Judicial Council military form that explains those rights and may file that form with the court so that the defendant's active duty or veteran status is on file with the court." Penal Code Section 858; see also Judicial Council form MIL-100. It appears that this veteran was let down throughout his court interactions.

Defendant need not provide evidence that the condition flowed from military service

Another veteran defendant's petition for resentencing under Section 1170.91 was also denied. He had alleged he had two conditions that qualified under the statute, sexual trauma and substance abuse. The trial court found defendant's allegations insufficient because he didn't provide evidence his qualifying condition flowed from military service. The Court of Appeal reversed, stating the statute merely requires that the veteran "may be" suffering from a qualifying condition. The trial court was directed to hold a new hearing. People v. Coleman, 65 Cal. App. 5th 817 (2021).

Defendant must have originally been sentenced to a determinate sentence

A defendant in a case had been sentenced to an indeterminate term, and was thus ineligible under Section 1170.91. He argued there was a possibility he could be resentenced to a determinate term. That argument failed in both the trial court and the Court of



AVVA California is still looking for new members and of course our Vietnam Veterans to join as Dual members. We are here to support you. ~ Alice

Appeal because he was originally sentenced as a third-striker, so the only possible penalty for each of his felony convictions was an indeterminate term of 25 years to life. But under Section 1170.91, the defendant must have received a determinate sentence. The appellate court was not swayed by the defendant's argument a resentencing judge might strike one or more of his strikes. *People v. Stewart*, 66 Cal. App. 5th 416 (2021).

A sentence is still indeterminate, even if the enhancement is determinate

In one case where the defendant was sentenced to an indeterminate term, he argued that since his one-year enhancement was determinate, he qualified for resentencing. The appeals court acknowledged the enhancement term may be determinate, but clarified that enhancement terms are imposed under a different statute rather than the statute that triggers application of resentencing under Section 1170.91. Penal Code Sections 1170 (b), 1170.1 (d); *People v. Estrada*, 58 Cal. App. 5th 839 (2020).

Conviction pursuant to plea

In two cases, when the veteran defendants were originally sentenced, it was pursuant to their plea agreement to a specific term of years. When they returned to court to ask for resentencing, the trial court denied their petitions. Section 1170.91 (b) begins: "A person currently serving a sentence for a felony conviction, whether by trial or plea..." In both cases, the respective Courts of Appeal affirmed denial of relief because the original sentencing judge did not exercise discretion to choose an upper, middle or lower term, so the court never imposed "a term under subdivision (b) of Section 1170" as required by Section 1170.91. *People v. King*, 52 Cal. App. 5th 783 (2020); *People v. Brooks*, 58 Cal. App. 5th 1099 (2020).

Petitions for review were denied in both cases. But there is a dissent in *Brooks* that states: "The majority in my view unjustifiably restricts the applicability of this provision to convictions based on plea agreements that do not specify a term of imprisonment -- undoubtedly a common if not the most common form of plea bargain. Neither the majority here nor the court in *People v. King* [] identifies anything in the legislative history supporting this restrictive interpretation of the statute."

Sentenced after 2015, but not diagnosed until after sentencing

In this case, a defendant was sentenced in 2016, before he was diagnosed with PTSD. Section 1170.91's provision that permits a defendant to request resentencing requires that the original sentence was prior to 2015. He wasn't eligible under the statute at the time he was sentenced because he had not yet been diagnosed with one of the statute's qualifying conditions. Nor was he eligible under the statute after he was sentenced because his original sentence was after January 1, 2015. Thus, he was left out in the cold. Both the trial court and the Court of Appeal ruled against him. However, the appeals court stated: "In closing, we wonder if the Legislature foresaw this result when it passed section 1170.91. While Valliant's position here may be unusual, we doubt it is unique. With that thought in mind, we invite the Legislature to revisit this issue and, if it believes it is appropriate to do so, to provide Valliant and any other veteran in a similar position, with statutory relief." When the California Supreme Court denied review in this case, Justice Liu took the unusual step of writing a concurrence to that denial, stating: "I agree with the Court of Appeal that it is unlikely the Legislature specifically intended this result." *People v. Valliant*, 55 Cal. App. 5th 903 (2020) (stmt. of Liu, J.).

Public Hearing

In this situation, a veteran defendant filed a petition for resentencing under Section 1170.91, alleging he met all the statutory requirements. While the case was still in the trial court, with no parties present and no apparent notice to defendant or the prosecution, the court summarily denied defendant's petition. Section 1170.91(b) requires that when the court receives a petition, "the court shall determine, at a public hearing held after not less than 15 days' notice to the prosecution, the defense, and any victim of the offense, whether the person satisfies the criteria in this subdivision." The Court of Appeal reversed and remanded the case, directing the trial court to comply with the statute. *People v. Bonilla-Bray*, 49 Cal. App. 5th 234 (2020).

Recap

Thus far, appellate courts have held the following about Penal Code Section 1170.91:

- A sentencing court shall consider a defendant's qualifying condition
- A defendant need not provide evidence that the condition flowed from military service; an allegation of the possibility of a qualifying condition is sufficient
- The defendant's original sentence has to be to a determinate sentence
- An indeterminate sentence, even when it includes a determinate enhancement, is still indeterminate and does not qualify under Section 1170.91
- The sentencing court must have exercised discretion in selecting a determinate term for the plea agreement to implicate Section 1170.91's resentencing provision
- A defendant sentenced after January 1, 2015 but not diagnosed with a qualifying condition until after sentencing does not qualify for resentencing under 1170.91
- A hearing to recall a sentence under Section 1170.91 must be a public hearing.

Conclusion

It can be expected that courts will see an increase in requests for lower sentences by incarcerated veterans within the next few years. The reason is that two of three major class actions against the military branches have recently settled.

In April 2021, the U. S. district court in Hartford, Connecticut approved settlement of a class action brought by named plaintiffs Stephen Kennedy and Alicia Carson against the U. S. Army. In October 2021, a class action filed against the U. S. Navy by Tyson Manker and the National Veterans Council for Legal Redress was settled. Another class action was filed in the federal district court in Hartford against the U. S. Air Force on September 13, 2021. Martin Johnson and Jane Doe are the named plaintiffs. Under the two settlements reached thus far in the actions against the Army and Navy, each service will reconsider discharge-status-upgrade decisions made by its discharge review boards.

While the VA won't go into jails and prisons to treat incarcerated veterans, it will go to those facilities to diagnose issues related to military service. That circumstance will be triggered by the incarcerated veteran's filing a claim for service-connected incarcerated benefits.

Thus, if the discharge review boards raise the discharge level of incarcerated veterans in California, it can be expected that veterans incarcerated in California may receive, for the first time, a diagnosis of one or more of the conditions covered under Penal Code Section 1170.91. It can also be expected that those incarcerated veterans will seek lower sentences pursuant to Section 1170.91.

ALLEGATIONS OF INSTITUTIONALIZED RACISM

AT THE VA

I cannot say I was surprised when I read a complaint filed last July in Connecticut federal district court on behalf of Black veterans.

Remember we all played a part
In America to help that banner wave
-- "Black Man," by Stevie Wonder

Having read numerous books about institutionalized racism in the wake of the nationwide reckoning over racial injustice following the murder of George Floyd -- e.g., "Caste," by Isabel Wilkerson, "Toxic Communities," by Dorceta E. Taylor, and "The Color of Law," by Richard Rothstein -- I cannot say I was surprised when I read a complaint filed last July in Connecticut federal district court on behalf of Black veterans. The Black Veterans Project and the National Veterans Council for Legal Redress claim discrimination in treatment and benefits by the U.S. Department of Veterans Affairs. *Black Veterans Project et al. v. U.S. Department of Veterans Affairs* (https://law.yale.edu/sites/default/files/documents/pdf/news/bvpngvclr_complaint.pdf), 21-935 (D. Conn., filed July 8, 2021).

The veterans groups had requested records from the VA pursuant to the Freedom of Information Act. In their complaint, they allege the VA failed to conduct a reasonable search for records relating to racial disparities across the VA benefits system. They also allege that Black veterans continue to face disparities in health and disability claims, citing a 2003 study of over 3,300 veterans that found Black veterans were significantly less likely to be granted service connection for post-traumatic stress disorder as compared to non-Black veterans. ("Service connection" refers to a service-related condition that is covered by VA benefits.)

According to the complaint, medical studies have consistently demonstrated disparities in health care for Black Americans, such as under treatment for pain. It states there is no reason to believe that the VA's health care system is immune from medical racism found in other areas of America's health care system. The complaint goes on to assert there are medical studies and other reasons to conclude that health care disparities persist between Black and white patients, even when controlling for factors like economic status and outside insurance coverage.

The complaint, its sources and exhibits paint a gloomy journey, indeed. It certainly appears institutionalized racism is alive and well at the VA.

"Forum of Hate" Emails

The complaint refers to seven years of email exchanges among a group of judges and lawyers who worked at the VA's Board of Veterans' Appeals. Using their official VA accounts, the participants referred to the emails as their "Forum of Hate."

The Court of Appeals of Maryland discusses those email exchanges in *Attorney Grievance Commission v. Markey et al.*

, 469 Md. 485 (Md. June 26, 2020). The case involved a former VA judge and a former VA lawyer who were in the email chain. Concerning a Black woman judge at the VA, one email stated that she was, "a despicable impersonation of a human woman, who ought to [have] her cervix yanked out of her by the Silence of the Lamb[s] guy, and forced[-]fed to her." About an email participant's son's little league team, one exchange bragged that all the kids were white, and not a "Charo, Adrian, or BD in the bunch." One of the writers suggested the team should be called "The Maryland White Sheets," because, "Gotta start them when they are young," and that they should have a "'Bonfire' after every victory." The hearing judge found that the terms "white sheets" and "bonfire" were references to the Ku Klux Klan, the term "Charo" was code for someone of Spanish descent, the term "Adrian" was code for African-Americans and "BD" was code for Asian.

Black Employees at the VA

In a survey of VA employees by their workers union in July 2020, nearly 80% of respondents said endemic racism within the VA is a "moderate or serious problem." Half reported having witnessed discrimination against the veterans they serve. The Washington Post, reporting on the survey, found government data that showed 12.3% of white workers held senior leadership roles within the VA, as compared to 3.8% of Black workers.

The complaint against the VA cites a news article about protesters gathered outside the Kansas City VA Medical Center calling out what they say is racial discrimination in the building. Members of the NAACP, Concerned Clergy Coalition and the Real Justice Center organized the protest to speak out against racial discrimination against Black veterans and Black staff members at the hospital. They were calling for an outside investigation into discrimination complaints, including non-Black staff members making lynching jokes, an emergency room nurse who used a racial slur, disproportionate hiring and terminations, and illegal personnel practices against Black staff.

Sen. Jerry Moran (R-Kan.), chair of the Senate committee on Veterans Affairs, sent a letter to the VA secretary demanding that the VA provide documentation regarding all discrimination complaints over the last 10 years, as well as a description of how the VA responded to the complaints.

The GI Bill and Black Veterans

Since the GI Bill was enacted in 1944, it has been widely celebrated as a benchmark of opportunity for those who have served in the armed forces. An article in the *Journal of Blacks in Higher Education* by Hilary Herbold, cited in the complaint against the VA, notes that military personnel who used their benefits to complete a college degree or vocational training program earned an average of \$10,000 to \$15,000 more annually than those who had not, and those increased earnings generated tax revenues eight to 10 times greater than the cost of the program. Many analysts call it the best investment the U.S. government has ever made. Altogether, 7.8 million servicemen and servicewomen were educated under the GI Bill after World War II.

But according to Herbold, for a number of reasons, Black veterans were at a distinct disadvantage when it came to benefiting from the GI Bill.

Congressman John Rankin, best known for establishing the House Committee on Un-American Activities, was an outspoken segregationist. He was also the main sponsor of the GI Bill. A Democrat from Mississippi, Rankin was notorious for his pro-segregationist and racist position on all issues relevant to Black Americans.

According to Herbold, the bill was passed with the certainty that Black people

would encounter racial restrictions in moving to claim their benefits. He cites to a 1947 article that stated of the 1,700 employees at one VA facility in the South, only seven were Black, despite the fact that one-third of the South's veterans were Black. Meanwhile, VA hospitals operated racially segregated wards and directed Black veterans to vocational schools rather than the more prestigious colleges and universities that became available for veterans after World War II.

White veterans had the advantage of empowerment through veterans' organizations such as the American Legion, but the VA would not grant accreditation to the newly formed United Negro and Allied Veterans of America in 1946. At the same time, the American Legion granted only five of its state offices permission to charter posts for African-American servicemen, but only if they were segregated posts.

That Black people encountered racial restrictions when they tried to take advantage of the GI Bill is demonstrated by a 1947 study that showed that banks and mortgage agencies refused loans to Black veterans, colleges and universities refused to admit Black veterans, the VA relegated Black veterans to vocational courses, and restrictive covenants in deeds rendered trying to buy a nice house fruitless.

Simply put, the GI Bill was largely ineffective for Black veterans.

Racial disparities in PTSD disability ratings

The complaint also cites a 2003 medical study published in the Medical Care journal. Authors of this study set about to determine whether there are racial discrepancies in the granting of service connection for PTSD by the VA. The level of service connection reflects the degree of disability veterans are determined to be suffering as a result of PTSD and governs the amount of monetary compensation they receive, often providing much-needed economic support.

PTSD is the most common psychiatric condition for which veterans seek service connection. It is a chronic, disabling condition caused by involvement in horrifying and traumatic events. Afterward, victims suffer from recurrent, intrusive and distressing recollections of their trauma. Typically, they experience increased arousal characterized by irritability, hypervigilance, poor concentration or insomnia. The authors state that approximately 7% to 12% of American adults suffer from PTSD, compared with approximately 30% of Vietnam-era combat veterans, and 50% of former prisoners of war. Since 1980, more than 200,000 veterans have applied for service connection disability on the basis of PTSD. In either general or veteran populations, the prevalence of PTSD does not vary significantly by race.

The study concluded that the VA gave Black veterans rates of service connection for PTSD substantially lower than other veterans, even after adjusting for differences in PTSD severity and functional status. The study's conclusion is not surprising as other VA studies show that even in a supposedly equal access system, Black veterans are less likely than white veterans to be referred for cardiac procedures and other diagnostic studies.

Conclusion

When claims about racism within the VA mounted, the Government Accountability Office, the investigative arm of Congress, recommended in 2019 that the VA conduct an assessment to determine how to address weaknesses identified with the completeness and accuracy of race and ethnicity data in the electronic health record, and to implement corrective actions as necessary. Apparently the accusations of racial discrimination continued because in 2020, at the request of Sens. Elizabeth Warren (D-Mass.) and Brian Schatz (D-Hawaii), the GAO announced it would investigate claims of systemic racism within the VA.

The plaintiffs in this action are working with a group of law students at Yale Law School. These students work tirelessly in support of veterans. The instant complaint is simply requesting documents that would shed light on whether or not, and to what extent, Black veterans have been discriminated against at the VA. In its answer to the complaint, the VA alleges plaintiffs are not entitled to anything they requested.

This is Black History Month. We will all be watching as these law students press forward with their requests for information that should demonstrate how Black veterans are now receiving and have historically received benefits and treatment at the VA.

HISTORICAL REFLECTIONS OF THE VIETNAM WAR

Joseph Montoya

VIETNAM WAR VETERANS IN THE SUPER BOWL

On Sunday, 13 February 2022 – professional football fans from throughout the world focused on SoFi Stadium, located in the City of Inglewood, California, as the National Football League [NFL] presented Super Bowl LVI – the 56th annual professional football championship game pitting the Cincinnati Bengals against the Los Angeles Rams.

I can still recall Sunday – 15 January 1967, when Super Bowl I – the 1st ever Super Bowl game – was played. My favorite professional football team [then and still now] – the NFL's Green Bay Packers, coached by Vince Lombardi [11 June 1913 – 3 September 1970] – took on the American Football League's [AFL] Kansas City Chief's, coached by



After taking a handoff from Green Bay Packers quarterback Bart Starr [#15], guards Jerry Kramer [#64] and Fred "Fuzzy" Thurston [#63], lead running back Elijah Pitts [#22] on a rightside sweep and a touchdown against the Kansas City Chiefs in Super Bowl I, 15 January 1967.

Henry Louis "Hank" Stram [3 January 1923 – 4 July 2005] who was a U. S. Army Air Forces World War II veteran. The game was played at the Los Angeles Memorial Coliseum [opened in 1923 as a memorial to the Los Angeles region's veterans of World War I] in what was then called the "AFL-NFL World Championship Game", established in order to finally settle the 7-year long dispute of "... Which league was the best? ...": the older entrenched NFL [established in 1919] or the younger upstart AFL [established in 1960]. With over 61, 946 fans in attendance, this inaugural championship football game was broadcasted on both national television stations [CBS and NBC], and on the radio – with a special radio transmission to military personnel worldwide including Southeast Asia and the Vietnam War zone via Armed Forces Vietnam Network [AFVN] Radio [on both 820 KHz AM and 99. 9 MHz FM], under the command of the U. S. Army Signal Corps. At the end of the game – with a half-time show which included 2 men flying around the stadium with jet-packs – the Packers defeated the Chiefs, 35-10.

If anyone of you reading this article were in-country at the time of Super Bowl I [#1] in 1967 and recall listening to the game, please let me know.

Since then, many players have taken the gridiron field and played in the Super Bowl as modern day gladiators, including two Vietnam War veterans.

Roger Staubach – #11 – Quarterback – Dallas Cowboys

The first Vietnam War veteran to play in the Super Bowl was Roger Thomas Staubach [born 5 February 1942]. Staubach attended the U. S. Naval Academy in Annapolis, Maryland, as a member of the Class of 1965 where he excelled both in academics and as a member of the "Midshipmen" on the football field. In 1963 during his 3rd year at the academy, Staubach's football exploits earned him selection as the winner of the Heisman Trophy. In June 1965, during the Naval Academy graduation ceremony, the academy



Naval Academy 1961- 1965



South Vietnam 1966-1967



Dallas Cowboys 1969-1975

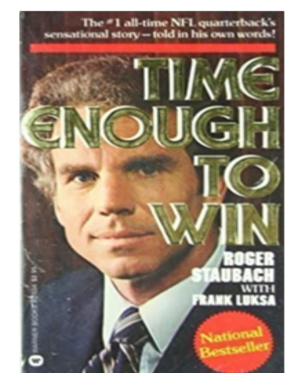
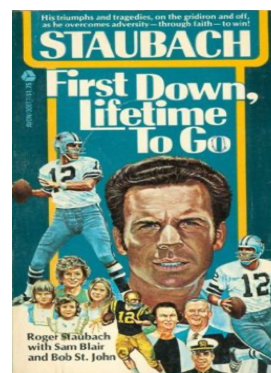
retired his football jersey – #12.

Following his Naval Academy graduation, Staubach entered the U. S. Navy. Because of a color-blindness condition detected during his junior year, Staubach was commissioned into the Naval Supply Corps, which did not necessitate his being able to tell the difference between the color "red" or "green" [used to distinguish the starboard [right] side from the port [left] side of a ship, and also used to distinguish different electrical circuitry. Staubach volunteered for duty in South Vietnam and served in-country during 1966 – 1967 as a Supply Corps officer at the Chu Lai U. S. Naval Base where he was in command of 41 naval personnel at a petroleum, oil and lubricants [POL] facility. Staubach returned stateside in September 1967, and spent the rest of his naval career in the continental United States at various duty stations including playing football on various service teams. While assigned to Naval Air Station Pensacola, Staubach was the quarterback for the Goshawks football team.

Upon the end of his military service, Staubach reported to the Dallas Cowboys at the start of the 1969 season and played with the team during all 11 seasons of his professional football career. During that time, Staubach and the Cowboys played in 5 Super Bowls [1971, 1972, 1976, 1978 and 1979], of which the Cowboys won two – in 1972 and 1978. When he was named the Most Valuable Player [MVP] of the 1972 Super Bowl, Staubach became the first professional football player to win both the Heisman Trophy [the collegiate MVP award] and the Pete Rozelle Trophy [the Super Bowl MVP award].

After 11 years of playing professional football, Staubach retired at the end of the 1979 season with a multitude of team and league records to his credit including, but not limited to, 1, 685 completions for 22, 700 yards and 153 touchdowns with only 109 interceptions. Staubach also gained 2, 264 rushing yards and scored 21 touchdowns on 410 carries.

Staubach was an All-Conference choice five times and was selected to play in six Pro Bowls (1971, 1975 – 1979). There are a number of books outlining Staubach's life and in-country military service during the Vietnam War, including First Down, Lifetime To



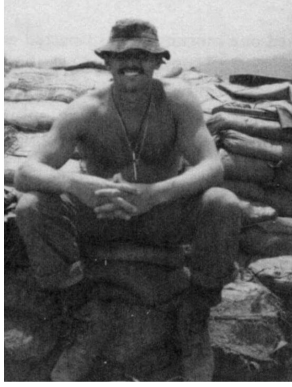
Go published in 1978 and Time Enough To Win published in 1981.

Rocky Bleier – #20 – Running Back – Pittsburg Steelers

The second Vietnam War veteran to play in the Super Bowl was Robert Patrick "Rocky" Bleier [born 5 March 1946]. Bleier, from Appleton, Wisconsin, graduated from Xavier High School in 1964, where he starred in football and basketball. Bleier was a three-time all-state selection as running back and won all-conference honors at both linebacker and defensive back. Bleier was also a high school team captain in football, basketball and track.

Bleier then attended the University of Notre Dame in South Bend, Indiana, as a member of the Class of 1968. Bleier played football for the "Fighting Irish" for three seasons [1965 (7-2-1), 1966 (9-0-1) and 1967 (8-2-0)] and scored 14 touchdowns [3 receiving and 11 running]. In 1966 – his junior year – Bleier helped the team win the national championship. Thereafter, in 1967 – his senior year – Bleier was named a team captain and later graduated in 1968 with a Bachelors of Science degree in Business Management.

Following graduation from Notre Dame University, Bleier was drafted by the Pittsburgh Steelers of the NFL, the 417th overall pick in the 16th round of the 1968 joint NFL/



AFL draft. However, as his 1968 rookie season with the Steelers was coming to an end, Bleier received another draft notice – this time from the U. S. Selective Service. After his 4 December 1968 induction into the U. S. Army, Bleier volunteered for duty in South Vietnam and was shipped out to the Vietnam War zone in May 1969.

Upon arriving in-country, Army Specialist 4th Class Bleier was assigned to C Company, 4th Battalion (Light), 31st Infantry, 196th Light Infantry Brigade, where he was assigned as a squad grenadier carrying the M-79 40-mm grenade launcher.

On 20 August 1968, after being in-country only 3 months, Bleier was with C Company on a combat patrol in the Hiep Duc Valley. While crossing a rice paddy, Bleier's 32-man platoon was ambushed by the Viet Cong and as he was returning fire, Bleier was wounded in the left thigh by an enemy AK-47 automatic rifle bullet. After falling to the ground wounded, an enemy hand grenade – after bouncing off a fellow U. S. soldier – landed near where Bleier was on the ground and then exploded, sending shrapnel into his lower right leg and foot. When the battle ended, 9 U. S. soldiers were killed, 2 were missing and many others were wounded.

After being medevaced to a U. S. in-country hospital, Bleier was medically evacuated to a U. S. Army military hospital in Tokyo, Japan, where it was determined damage from the hand grenade blast would require partial removal of Bleier's right foot.

While recuperating from the surgery, military doctors told Bleier he would never be able to play professional football again. As he struggled to understand the full ramifications of the doctor's medical prognosis, Bleier received a postcard from Arthur "Art" Joseph Rooney, Sr. [27 January 1901 – 25 August 1988] – the Pittsburgh Steelers owner – which simply read:

"... Rocky – The team's not doing well. We need you. – Art Rooney ...".

With those inspiring words from Rooney, Bleier committed himself to setting aside the doctor's prognosis and proceeded with his own rehabilitation program – while painful – in order to again play professional football. Once evacuated stateside, Bleier was discharged from the U. S. Army in July 1970 and awarded both the Bronze Star and the Purple Heart medals and the Combat Infantryman Badge.

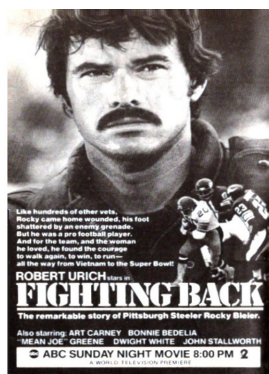
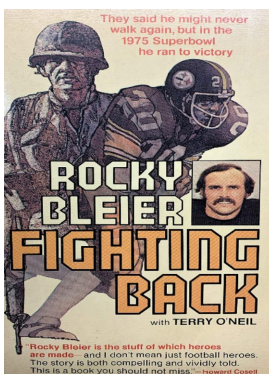
Months later, although weighing only 180 pounds and still suffering from his war injuries, Bleier rejoined the Steelers at the start of their 1970 training camp. Despite his efforts, Bleier was placed on the injured reserve squad for that season. The following season in 1971, Bleier played on the Steelers special teams. During the following years, although Bleier's playing time was increased, he was also waived on two occasions. Regardless, Bleier never gave up.

Following an increased off-season training regiment, Bleier's strength and weight increased and, by the start of the 1974 season, he was back up to a playing weight of 212 pounds and then earned a spot in the Steelers' starting lineup. In 1976, Bleier was part of a backfield that blocked, ran and scored across the NFL while he rushed for over 1,000 yards. During his career, Bleier played in four Super Bowl games – all of them Steeler victories [1975, 1976, 1979 and 1980]. Of special note, during the 1979 Super Bowl game, Bleier's touchdown gave Pittsburgh a lead it never relinquish and his recovery of a Dallas on-side kickoff in the closing seconds of the game sealed the Steelers' victory over the Cowboys.

After 12 years of playing professional football, Bleier retired after the 1980 season, with 3,865 rushing yards, 136 receptions for 1,294 yards, and 25 touchdowns. At the time of his retirement, not only was Bleier the Steelers' fourth all-time leading rusher, but he became the only Vietnam War veteran and NFL player to earn four Super Bowl rings.

In 1976, Bleier published a book titled "Fighting Back: The Rocky Bleier Story" which tells of his life struggle to recover from his Vietnam War combat wounds and his return to professional football. This book was made into a television movie in 1980 titled Fighting Back starring Robert Michael Ulrich [19 December 1946 – 16 April 2002] as Bleier and Art Carney [4 November 1918 – 9 November 2003] as Rooney.

On 20 August 2019 – so as to mark the 50th anniversary of the day Bleier was wounded during the Vietnam War – ESPN released a movie titled The Return. In this film, Bleier – along with ESPN's Tom Rinaldi and a ESPN film crew – returns for the first time to the Hiep Duc Valley in the former South Vietnam and walks the same dirt trails and rice paddies where he and other members of C Company were ambushed and wounded on 20 August 1969.



Lastly, these two Vietnam War veterans played against each other 2 times when the Cowboys and the Steelers were in the Super Bowl. The first time – on 18 January 1976 in Super Bowl X [#10] at the Orange Bowl in Miami, Florida – the Steelers defeated the Cowboys, 21-17. The second and last time – on 21 January 1979 in Super Bowl XIII [#13] also at the Orange Bowl – the Steelers again defeated the Cowboys, 35-31.

In addition to the military service of Staubach and Bleier, many other professional sports players were drafted or volunteered for full-time military or reserve service dur-

ing the Vietnam War era, with some of them being wounded or killed in Southeast Asia.

Yet other military draft eligible professional athletics [i. e., football, baseball, basketball and hockey players] during that time were able to avoid serving in the military – let alone in the Vietnam War – by various methods including, but not limited to, the following:

1. Being automatically assigned to a national guard reserve unit near their applicable teams;
2. Serving their 2-weeks full-time reserve service during their sport off-season;
3. Being exempt from having to report to their reserve units during their sport season; and
4. Although physically capable of playing their professional sport on a regular basis, many players were deemed physically unfit for military service.

In closing, it should be noted the extra championship bonus monies paid in 1967 to the football players in Super Bowl I [#1] was \$15,000 to each winning Packer vs. \$7,500 to each losing Chief. Compare that with the reported 2022 bonuses for Super Bowl LVI [#56] being \$150,000 to each winning team member vs. \$75,000 to each losing team member. By the way, the Rams defeated the Bengals, 23-20.

Notwithstanding these higher bonuses for the players – atop their known NFL soaring salaries of today, there are still a few fans who are able to afford to pay \$20,000 plus for a seat on the 50-yard line at SoFi Stadium, let alone afford the \$200 or more for parking and \$50 plus for a cold beer and a hot-dog during half-time.

As for me, I'm looking forward to next season, in the hope the Packers make it back.

The original version of this article first appeared in the Vietnam Veterans Of America Chapter 526 – West Los Angeles meeting agenda of 3 February 2022

SIX MONTHS IN, DEPUTY SECRETARY WIMMER HAS VISION FOR WOMEN VETERANS AFFAIRS

by Jeff Jardine



Deputy Secretary Virginia Wimmer

In August 2021, Governor Gavin Newsom appointed Virginia Wimmer as CalVet's Deputy Secretary of Women Veterans Affairs at CalVet.

A veteran who spent 26 years in the United States Air Force, Wimmer left the service in 2012. She then began her new career as a veteran service officer with Solano County and then was appointed as the County Veteran Service Officer (CVSO) for San Joaquin County.

Now with Women's Military History Week upon us, Wimmer shares about her first six months at CalVet, and some of her plans for Women Veterans Affairs in the future.

What have you learned about CalVet in your first six months as Deputy Secretary?

WIMMER: I am used to being part of a small team and having to rely on larger units to reinforce our mission. I am grateful for my teammates at CalVet who have a shared vision on inclusiveness and respect for women veterans. Since being appointed in August, it has been rewarding and challenging.

I have learned so much about CalVet and our state. I have made new friends and garnered a new perspective of the many services that are available to women across the state and am proud to be a part of such a progressive agenda that includes elevating women and especially honoring women veterans.

How has your background as both a veteran and County Veterans Service Officer helped thus far?

WIMMER: My intention is to carry on the great work the program has accomplished thus far; but, of course, use my skills as a direct service provider and veterans advocate. (Having been) a CVSO has provided me with the insight and experience I need to connect with women veterans on a micro-level while still providing robust advocacy on a macro-level.

Secondly, I fully understand that this assignment means partnering with other California agencies, non-profit and for-profit organizations, and community-based organizations.

It is my duty to identify these organizations and people who are willing to help CalVet reach women veterans. I also understand it will be a hard task to corral these agencies and organizations so that we are all working in a coordinated fashion – but I am more than willing to accept the challenge.

One thing I have learned since arriving at CalVet is that in spite of the many resources and services that are available to our women veterans, we still struggle with getting them to take advantage of them all.

I plan to change this narrative. I want all 163,000-plus women veterans in the state to know and understand that benefits, services, and resources are available for them, and that CalVet Women Veterans Affairs is here to help them connect to these benefits and services.

Virginia Wimmer at the traveling exhibit "The Color of Freedom" from the Military Women's Memorial at the USS Midway Museum in San Diego.



Give us an example of how you might achieve that particular goal.

WIMMER: We have to enroll in VA healthcare, participate in the surveys, public comment periods, and we need to have our voices heard.

We women veterans must tell our stories in our own voices and from our hearts. We can no longer allow our "HerStory" to be told from the masculine warrior paradigm perspective. Our stories must be documented, recorded, and shared from our own perspectives.

Women have served in every war since this country's existence so we should not be

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OUTDOOR EVENT – AMPLE PARKING
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excluded from any of the decisions made that enrich the lives of veterans. Women should never be an after-thought nor should systems, equipment, services processes, procedures, or VA facilities be retrofitted to serve us. We must be included in all decisions that affect us.

This is a priority for Women Veterans Affairs. We no longer want any systems to be retrofitted for our needs. We don't want the VA, Department of Defense, or any other service provider to make decisions that don't include the voices and stories of women veterans. Too often systems are put into place, buildings are erected, weapons systems are designed, and decisions are made without the perspective of the woman warfighter or the woman veteran's perspective, input, or voice. That must stop.

I met recently with the President of the Women in Military Service Memorial, Phyllis J. Wilson, and the VA's regional Women Veteran Program Managers to encourage California women to register their stories with the CalVet Women Voices project, the Memorial, and with the Library of Congress. I understand this is a huge undertaking and have no delusion that this is going to be a hard task.

What do California's women veterans need to know about CalVet and its division for Women Veterans Affairs?

WIMMER: California's women veterans need to know that while our division is small, we are mighty and we are ready to serve. Our mission is to ensure that every California woman who has served in the military knows that they have an advocate at CalVet and that many benefits and resources are available to them as a result of their military service.

Women veterans have always served this country and this state and deserve advocacy and inclusion across the state. CalVet Women Veterans Affairs wants to be the liaison across the state to bridge any potential service gaps.

What is your vision for Women Veterans Affairs? Where do you want to take it?

WIMMER: My vision for Women Veterans Affairs is to improve services and support for women veterans through robust collaboration with stakeholders and other programs within CalVet.

I also want to create a continuum of care community that eliminates sexual harassment, sexual assault, intimate partner violence, and maltreatment of women veterans throughout their military life cycle.

I intend to champion vigorous advocacy, education, training, and insist on continuous dialogue with women veterans, veteran service providers, federal and state agencies, and non-governmental organizations. Additionally, my call to action for all Californians (veterans, non-veterans, and allies) is to help us connect with women veterans throughout the state.

VETS SAY WORK ON NEW SKILLED NURSING FACILITY AT YOUNTVILLE HOME ENCOURAGING AFTER TWO YEARS OF COVID-19 RESTRICTIONS

by Jeff Jardine

When the new skilled nursing facility opens at the Veterans Homes of California-

Yountville (VHC-Yountville) in early 2024, it will provide more than a modern state-of-the-art skilled nursing facility (SNF) to replace the 90-year-old Nelson M. Holderman Hospital across the street.

The \$269 million, 240-bed facility will also bring a sense of relief and security to many of the veterans now living at the home, and who could someday need the kinds of care it will offer.



VHC-Yountville offers veterans and their spouses four levels of care: domiciliary, residential care facility for the elderly intermediate care, skilled nursing, and memory care.

Each represents a step in the aging process. The new SNF will comprise the latter two (skilled nursing and memory care).

After two years of living under COVID-19 pandemic restrictions, just getting out to see the heavy equipment moving on the hillside in preparation for construction has been uplifting for the residents and staff alike, stated Gary.

"It's raised morale," he said. "It's been a terrific upper for everybody. All in all, I'd say it's a wonderfully positive thing."

For Jean H. an Air Force veteran and eight-year resident of the Home, the new facility can't get here soon enough.

Close up of Yountville Home member and Vietnam Veteran.

Yountville Home member and Vietnam Veteran.

"We've been waiting for a long time," she said. "It means they (the patients) will finally have private rooms: their own room, their own bath. Believe me, that's a big deal."

The current Holderman Hospital requires two patients to a room – unless there are vacancies – and has communal bathrooms.

"It's like an old college dorm," Jean said.

Tom P., a veteran who served as an Army combat medic in 1967-1969 in Europe, is a big fan of VHC-Yountville and is thrilled that the new SNF is about to rise. He has worked as an escort at Holderman Hospital, and agrees with Jean that the single-room issue is an important one to the veterans at the home.

"I'm gung-ho!" he said. "I've been an advocate for single rooms in the skilled nursing facility for years. The new one will solve that issue. Having a new facility will be fantastic." Tom said the new SNF will be roomier and more accommodating for the mobile transportation pieces that veterans use to get around. "We're all looking forward to it."

He met his wife, Sandra, at the Home eight years ago, and they were married in a ceremony on campus. She served eight years on active duty as an Army nurse, then as a Reservist, and lastly at VA hospitals in Palo Alto and San Francisco.

The need for skilled nursing care at some point in life is a big reason veterans want to live in CalVet's four and five-star rated Homes. The cost of their room and board is based on their income, which changes depending on their level of care, but is designed to always be affordable to veterans regardless of their incomes.

"Where else could we get the tertiary care for what we pay a month?" asked Sandra. "It will certainly be something for CalVet to crow about."



NEW LAWS ON THE BOOKS TO BENEFIT CALIFORNIA VETERANS, FAMILIES

Some new California laws will offer the state's 1.6 million veterans more of what they need in life and also what they might want afterward.

More veterans can now obtain a CalVet Home loan at lower, more competitive interest rates. Disabled veterans' estates will have an easier time securing local property tax exemptions. And finally, deceased veterans can have an American flag with them when cremated.

These are among the laws Governor Gavin Newsom signed in 2021 to take effect in 2022:

- CalVet's century-old Veterans Home Loan Program got a legislative facelift that will allow the program to better serve a broader population of California veterans. The changes also will allow CalVet Home Loans to offer more competitive market rates, which both increases the veteran's buying power by lowering monthly payments, and helps to retain existing veteran borrowers by allowing them to refinance at rates closer to those offered by private sector lenders. Click here to read the entire text of the law.

- Another new law allows the executor, administrator or other legal representative of a living veteran's estate, or a trustee of a deceased veteran's trust, to file for a disabled veterans property tax exemption with the county assessor. Click here to read the entire text of the law.

- And a U. S. military veteran can now be cremated with an American flag. The request to the crematorium must be made by the person or persons with the authority to dispose of the veteran's remains. The new law exempts the process from the United States Code, which otherwise dictates the protocol involving the retirement or disposal of an American flag. Click here to read the entire text of the law.

IMPORTANT LEGISLATION INCLUDED IN FY 2022 NDAA

Military Pay Raise. Service members received a 2.7 percent increase in basic pay for calendar year 2022. This raise is the product of the automatic annual statutory calculation that is aligned to the Employment Cost Index.

Military Justice Reform (Subtitles D and E). Sexual assault and harassment in the military are pervasive issues affecting an alarming number of service members, past and present. Provisions within these subtitles represent substantive changes in how the military handles these cases, including sexual assault investigations that will now be fully independent of chains of command.

The National Global War on Terrorism Memorial (Sec. 6605). This authorizes a Global War on Terrorism memorial to be constructed on the National Mall in Washington, D.C. The memorial for America's longest running war will be rightly placed among the war memorials of past generations so that future generations will always remember.

Updates and Preservation of Memorials to Chaplains at Arlington National Cemetery (Sec. 584). This legislation authorizes needed updates and corrections to the Protestant, Catholic, and Jewish chaplain memorials located at Arlington National Cemetery. Updates will include the addition of chaplains who have died in service to our nation as far back as World War II.

The Alexander Lofgren Veterans in Parks (VIP) Act (Sec. 641). This legislation will provide free lifetime access to national parks and public lands that honor service members, veterans, and Gold Star families. The National Park Service offered free access through their annual America the Beautiful pass, but this law now creates an enduring lifetime benefit.

Improvement of Postpartum Care for Members of the Military and Dependents (Sec. 707). This will improve postpartum care by creating clinical practice guidelines for postpartum care in military medical treatment facilities. Pelvic health assessment and treatment, and screening for postpartum depression will be addressed.

Pilot Program on Assistance for Mental Health Appointment Scheduling at Military Medical Treatment Facilities (Sec. 734). This establishes a pilot program to assist in scheduling mental health appointments to create a warm handoff and eliminate the barrier to gaps between appointments to ensure participants have continuity of mental health treatment.

Afghanistan War Commission Act of 2021 (Sec. 1094). This act establishes a commission charged with investigating all aspects of United States' activities in Afghanistan from June 1, 2001, through August 30, 2021. Points of emphasis will include but not be limited to United States policy objectives, efficacy of efforts, intelligence activities, and circumstances leading to the downfall of the Afghanistan National Defense Security Forces. The commission's final report will be released to the public.

Basic Needs Allowance for Members on Active Service in the Armed Forces (Sec. 601). Food insecurity among military families is a critical issue impacting an estimated 160,000 troops. The newly created Basic Needs Allowance will bring relief to many active duty families by helping to ensure yearly gross household income is equivalent to 130 percent of the federal poverty guidelines as set by the Department of Health and Human Services.

Study on Employment of Military Spouses (Sec. 567). Gainful employment for military spouses can be challenging for a variety of reasons including frequent relocations, licensure challenges, and child care access. This study directs a thorough evaluation of barriers leading to spouse unemployment and underemployment, as well as the identification of policy solutions.

Equal Incentive Pay for Members of the Reserve Components of the Armed Forces (Sec. 602). Recent wars and contingencies have highlighted disparities between the entitlements and benefits received by members of the active and reserve components. This policy change ensures incentive pay parity between members of the National Guard and Reserve, and those on active duty.

Standardization of Department of Defense Definitions for Terms Related to Suicide (Sec. 726). Consistent suicide-related definitions and data collection are key to fully understanding suicide within the ranks. This provision will ensure core definitions and related data collection methods are established and standardized across the Department of Defense (DOD).

GAO Biennial Study on Individual Longitudinal Exposure Record Program (Sec. 741). This legislation directs regular studies and reporting by the Government Accountability Office on the Individual Longitudinal Exposure Record (ILER) program. As a vital component of DOD and Department of Veterans Affairs' efforts to align health care with individuals' unique exposures during service, these studies will help ensure the ILER program is functioning as intended.

Feasibility Study on Establishment of Housing History for Members of the Armed Forces (Sec. 526). Veteran success after service is in part determined by having reliable housing. However, not all transitioning service members (TSMs) leave service with verifiable housing histories if they have lived only in government-provided housing. Born out of a VFW-SVA Legislative Fellow proposal, this study will determine the feasibility of providing TSMs with a housing history form that can demonstrate their reliability as tenants to prospective civilian landlords.



VVA CA State Council (contact info inside - page 2)

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In this issue:

- Chapter/Council Activities-Events/Photos
- Council Officer/Committee Reports
- Legislative News
- Veteran Info
- And more...

CSC Meeting Dates & Events

Full Council Meeting - April 15-17, 2022 - Visalia
Enhanced Quarterly Meeting - June 16-19, 2022 - Visalia
Full Council Meeting - August 19-21, 2022 - Visalia
Full Council Meeting - October 14-16, 2022 - Visalia
Zephyr deadlines 2 weeks AFTER each CSC meeting