

Statement of  
Jewish War Veterans of the USA  
2020 Legislative Priorities  
Before the Joint Senate and House  
Veterans Affairs Committees  
February 26, 2020



Presented by  
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National Commander, JWV

## JWV National Commander Harvey Weiner

Harvey Weiner was elected as National Commander of the Jewish War Veterans of the United States of America (JWV) at the National Convention in August 2019. Prior to being elected as National Commander, he served as the National Judge Advocate since 2013. He previously served on the National Executive Committee, as Vice Chairman of the Vietnam Veterans Committee and as Vice President of the National Court. He is past Commander of JWV's Department of Massachusetts and past Post Commander of the Newton-Brookline Post 211. He is a life member of the JWV, the Vietnam Veterans of America and the Disabled American Veterans. He is a life member of and General Counsel to the National Museum of American Jewish Military History. He is an Agent Orange multiple cancer survivor.



Harvey is a Vietnam War combat veteran, who, as an Army Captain, was an intelligence advisor to the Vietnamese. His combat experience includes small raids, night ambushes, mortar and rocket attacks, sniper fire and land mines. He is the recipient of the Bronze Star (M) among other decorations. After the war, he returned to Ft. Dix, N.J., where he defended 38 courts martial and was a Chief Investigating Officer.

Harvey is a U.S. Department of Veterans Affairs Accredited Attorney and is admitted to both the U.S. Court of Appeals for the Armed Forces and the U.S. Court of Appeals for Veterans Claims. He has been trained and certified as a veterans' mediator and has assisted in the training of other veterans' mediators. He initiated a "Wills for Veterans" program in Massachusetts.

Harvey is active in the Jewish community. He is past president of Temple Beth Avodah in Newton and was on its Executive Board for 25 years. He has been the JWV representative on the Greater Boston Jewish Community Relations Council for 13 years.

Harvey graduated from Boston Latin School in 1960 and earned an AB (*cum laude*) from Harvard in 1964, a JD from Columbia Law School in 1967, and an LLM from the London School of Economics in 1968.

Harvey was born and raised in Boston, Massachusetts and has practiced civil litigation in Boston at Peabody & Arnold for over 49 years. He is past president of the Massachusetts Bar Foundation, the Federal Bar Association (Mass. Chapter), the Boston Inn of Court and the Massachusetts Municipal Lawyers Association.

Harvey has been married for over 53 years to Linda, who was a Waiting Wife, has two adult children, one granddog and lives in Newton, Massachusetts.

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## INTRODUCTION

Chairman Moran and Chairman Takano, and distinguished Members of the House and Senate Committees on Veterans' Affairs, my fellow veterans and friends, I am Harvey Weiner, the National Commander of the Jewish War Veterans of the U.S.A. (JWV). JWV was established in 1896 and was congressionally chartered August 21, 1984.

JWV advocates for all veterans regardless of their religion. We provide counseling and assistance to veterans encountering problems dealing with the Department of Veterans Affairs (VA), and other entities with which our members work.

JWV has been helping veterans and preserving the legacy of American Jewish military service for over 124 years. We represent veterans from all conflicts.

Volunteering at VA facilities, hosting educational programs, supporting patriotic organizations like Scouts of America, and advocating on behalf of all veterans lead the efforts our members make to serve the American veteran and our country.

The following veteran issues are the most relevant and concerning to our members. Earlier this month, we brought these important issues to Capitol Hill, in member-led meetings with individual members of Congress and the Senate. JWV urges the Senate and House Committees to address our concerns for all veterans. JWV strongly supports:

- No privatization of the VA
- Suicide prevention
- End veteran homelessness
- Agent Orange presumptives
- Membership defined more broadly.

Mr. Chairman, on March 15, we at JWV will celebrate our 124<sup>th</sup> birthday. For these 124 years, JWV has advocated for a strong national defense and fair recognition and compensation for veterans. The Jewish War Veterans of the USA represents a proud tradition of patriotism and military service to the United States.

## COURAGE

Chairman Moran and Chairman Takano, Ranking Members Tester and Roe, I am Harvey Weiner, a Vietnam War combat veteran and the National Commander of the Jewish War Veterans of the USA, America's oldest active continuous veterans' association. We will be celebrating our 125<sup>th</sup> anniversary next year. American Jews have fought in all of America's wars in a proportion greater than their proportion in the general population.

I want to speak to you this afternoon about courage. Members of the armed services will risk his or her life on the battlefield to serve this great nation and to do the job assigned. Hundreds of thousands of American soldiers have given their lives and millions of American soldiers and their families have made other sacrifices in this regard. They had the right stuff and displayed great courage. They took enormous risks because their country called and because it was the right thing to do.

On behalf of all veterans, past and present, and all service personnel, past and present, I am asking each and every one of you to show courage by doing your job and by doing right, regardless of the political consequences, including the possibility, or even the probability, that you will lose your job by being voted out of office. When you, who, implicitly or explicitly, sent us off to war and asked us to do the right thing at the risk of our lives, it is a shanda if you are unwilling to take that risk to do right yourselves, rather than what is politically expedient. Shanda is Yiddish for "shameful." The risk of losing your job pales in comparison to the risk we take of losing our lives.

I was reviewing the John F. Kennedy Profiles in Courage winners of the award that is the nation's preeminent award for elected officials and public servants. For them and for you, it is the Nobel Prize, the Oscar, the Lasker, the Pulitzer. I give you these examples.

Carl Elliott was a Congressman from Alabama for eight consecutive terms from 1949 to 1965. He was a Democrat, but he authored and voted for National Education Defense Act, which he knew would lead to his removal as a Congressman in 1964. He was right, but he did what was right.

Charles Weltner, also a Democrat, was a Congressman from Georgia who dropped out of his race for a third term rather than seek reelection and be bound by a party loyalty oath to support the candidacy of segregationist Lester Maddox.

Bob Inglis, whom many of you know, is a Republican and was a Congressman from South Carolina. He reversed himself on the issue of climate change because he felt it was the right thing to do. He knew that it would probably mean the demise of his political career and it did.

We, who died, who were wounded, who survived, or who risked our lives in the military to do the right thing because America asked us to, are asking you to do the right thing, merely at risk of losing your jobs. Do not take funds away from the military, including from their daycare and schools, to build a border wall, because it is politically expedient for you to do so.

In addition, the Constitution, which you swore under oath to uphold, vests the power to declare war solely in the hands of Congress and not in the President, who is solely the Commander in Chief. However, since World War II, Congress, as a practical matter, has ceded its Constitutional responsibility to the President in the semantic guise of so-called “emergencies” and “police actions.” War is too important to be in the hands of one person, and since World War II, the usurping of the war power by both Democratic and Republican presidents has led this nation into disaster after disaster and caused the unnecessary deaths of over a hundred thousand of my comrades-in-arms, my brothers and my sisters. An after-the-fact toothless Congressional resolution is not enough. Take back the war power that the framers of the Constitution and your own 1973 War Powers Resolution gave you.

When Abraham Lincoln was in the Congress, he wrote the following:

“The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.”

As a cantankerous football coach in my neck of the woods is fond of saying, “Do your job!” Risk your jobs to do the right thing!

In the long run, it is not just your constituents that you must face. You must face your children, your grandchildren, your descendants, and history. Also, you must face yourself and your conscience. Become a candidate for the Profiles in Courage award.

We, the veterans of America, do not just ask you to do the right thing despite the political consequences. We demand it, and we are entitled to do so.

Thank you.

## **NO GOVERNMENT FUNDING**

For the record, the Jewish War Veterans of the USA, Inc., does not receive any grants or contracts from the federal government. This is as it should be.

## **THE MILITARY COALITION (TMC)**

JWV continues to be a proud member and active participant of The Military Coalition (TMC). Past National Commander Norman Rosenshein, JWV’s National Chairman, serves on the Board of Directors.

JWV requests that the Senate and House Committees on Veterans' Affairs do everything possible to fulfill the legislative priorities of The Military Coalition.

## NO PRIVATIZATION OF THE VA

JWV is strongly opposed to the healthcare of veterans being privatized. Privatizing VA healthcare would mean worse healthcare for veterans.

The VA system is designed specifically to meet the needs of veterans. That means amputees, paralyzed veterans, blinded veterans, the traumatic brain injured, blinded veterans, and PTSD sufferers see medical personnel in the VA who specialize in these types of combat related injuries and who have the knowledge to deal with them. Privatizing the VA, i.e., changing the VA and giving every veteran a healthcare card, would result in the loss of access to these invaluable specialists.

The traumatized veteran needs medical personnel who are experienced working with these specific types of problems.

Also, those who work in VA healthcare have a special affinity for veterans and seem to give an extra effort on their behalf. Moreover, veterans who are patients tend to wear caps to indicate their military service, and tend to bond with each other, which helps make the VA health facility a friendlier place.

The Jewish War Veterans of the USA asks the members of this joint committee to firmly resist any, and all efforts of those who want to privatize the VA.

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## SUICIDE PREVENTION

There has NOT been a significant decrease in the number of suicides among veterans. Although there has been and continues to be a growing awareness of this issue, the Department of Veterans' Affairs continues to report approximately 20 veteran suicides per day. This is unacceptable.

There continues to be a need for more mental health professionals directly involved in the identification of at-risk veterans and active duty personnel. Suicide-prevention projects and research into the causation of self-destructive behaviors needs to be fully funded.

The Jewish War Veterans of the United States of America urges Congress to pass H.R. 3495, the *Improve Well-Being for Veterans Act* proposed by House Veterans' Affairs Committee Chairman Mark Takano. This bill will allow the VA to responsibly partner with community organizations already serving veterans.

Additionally, this bill would protect VA's expertise in providing clinical care and begin to reach the 60 percent of veterans not using VA healthcare. Services covered by this grant program include, educating families on suicide risks and prevention, peer support, everyday support, and safety planning.

## HOMELESS VETERANS

The U.S. Department of Housing and Urban Development (HUD) estimates that approximately 40,000 veterans are homeless on any given night. There are many reasons veterans become homeless. These include the basic lack of affordable housing, income, lack of access to necessary health-care, the effects of PTSD and substance abuse, all of which are compounded by a lack of family and social support networks.

To help address these issues, The Jewish War Veterans of the United States of America urges Congress to pass H.R. 2223, the *Helping Homeless Veterans Act of 2019*.

This bill would make permanent several programs that provide transitional housing, employment assistance, and supportive services

It provides for \$50 million for each fiscal year after 2020 for homeless veterans' reintegration programs.

It provides \$380 million for each fiscal year after 2019 in financial assistance for very low-income veteran families in permanent housing.



## AGENT ORANGE PRESUMPTIVES

As an Agent Orange survivor, this issue is one that is close to my heart. Agent Orange, an herbicide used to clear trees and plants during the Vietnam War, likely causes several illnesses. These are referred to as Agent Orange presumptive diseases.

Cancers believed caused by contact with Agent Orange include:

- **Chronic B-cell leukemia:** A type of cancer that affects your white blood cells (cells in your body's immune system that help to fight off illnesses and infections). I contracted two of these cancers a decade before it was recognized by the VA as presumptive.
- **Hodgkin's disease:** A type of cancer that causes your lymph nodes, liver, and spleen to get bigger and your red blood cells to decrease (called anemia)
- **Multiple myeloma:** A type of cancer that affects your plasma cells (white blood cells made in your bone marrow that help to fight infection)
- **Non-Hodgkin's lymphoma:** A group of cancers that affect the lymph glands and other lymphatic tissue (a part of your immune system that helps to fight infection and illness)
- **Prostate cancer:** Cancer of the prostate (the gland in men that helps to make semen)
- **Respiratory cancers (including lung cancer):** Cancers of the organs involved in breathing (including the lungs, larynx, trachea, and bronchus)
- **Soft tissue sarcomas (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma):** Different types of cancers in body tissues such as muscle, fat, blood and lymph vessels, and connective tissues

Other illnesses believed caused by contact with Agent Orange include:

- **AL amyloidosis:** A rare illness that happens when an abnormal protein (called amyloid) builds up in your body's tissues, nerves, or organs (like your heart, kidneys, or liver) and causes damage over time
- **Chloracne (or other types of acneiform disease like it):** A skin condition that happens soon after contact with chemicals and looks like acne often seen in teenagers. Under our rating regulations, it must be at least 10% disabling within 1 year of contact with herbicides.

- **Diabetes mellitus type 2:** An illness that happens when your body is unable to properly use insulin (a hormone that turns blood glucose, or sugar, into energy), leading to high blood sugar levels
- **Ischemic heart disease:** A type of heart disease that happens when your heart doesn't get enough blood (and the oxygen the blood carries). It often causes chest pain or discomfort.
- **Parkinson's disease:** An illness of the nervous system (the network of nerves and fibers that send messages between your brain and spinal cord and other areas of your body) that affects your muscles and movement—and gets worse over time
- **Peripheral neuropathy, early onset:** An illness of the nervous system that causes numbness, tingling, and weakness. Under our rating regulations, it must be at least 10% disabling within 1 year of contact with herbicides.
- **Porphyria cutanea tarda:** A rare illness that can make your liver stop working the way it should and can cause your skin to thin and blister when you're out in the sun. Under VA's rating regulations, it must be at least 10% disabling within 1 year of contact with herbicides.

Jewish War Veterans of the U.S.A. thanks these committees for establishing these presumptives and helping Vietnam Veterans receive the care they need.

## BURN PITS

Burn pits are defined as open-air pits used to burn war chemicals, paint, medical and human waste, metal/aluminum cans, munitions and other unexploded ordnance, petroleum and lubricant products, plastics, rubber, wood, and discarded food. As of March 2019, there are currently 9 burn pits in existence.

Various peer review studies suggest a strong association between burn pit proximity and respiratory illness. Burn pits not only exposed the men and women who operated them but also, the troops located near them. These men and women are now suffering the ill effects of the burn pits on their health. The Departments of Defense and Veterans Affairs maintain that any ill effects from exposure to burn pits is temporary and will pass once the military member is removed from the area.

However, these denials have a familiar ring to them in the minds of the Vietnam

veterans and their issues with the military's denial of any ill effects of Agent Orange and other herbicides.

Military.com reports that 12,000 claims were filed with the VA about burn pits, but so far only 2,500 of the claims were accepted. The VA "has emphasized the need for clear scientific links between war zone exposure and illnesses later in life before making large-scale benefits decisions."

JWV strongly urges these committees and the Department of the VA to accomplish for burn pit casualties as they have for Agent Orange casualties.

JWV urges Congress to:

- Pass H.R. 663 and S. 191, the Burn Pit Registry Act. These bills would require the Department of Defense (DOD) to evaluate all members of the Armed Forces to determine if they served in a location where an open burn pit was used to dispose of waste or if they were exposed to toxic airborne chemicals. The evaluations must be included in periodic health assessments, physical exams conducted immediately prior to separation from active duty, and deployment assessments
- Require, at independent universities and non-governmental organizations, to research the long-range effects of exposure at burn pits;
- Add conditions shown to have a link to burn pits and airborne toxic exposures to VA's Presumptive List.
- Ensure that all VBA claims professionals are informed and knowledgeable about all rules and regulations for accepting a burn pit or airborne toxic chemical-related claims.
- Create a disability classification for servicemembers and veterans impacted by burn pits and other toxic airborne exposures.

## **MEMBERSHIP DEFINED**

In July 2019, the Legion Act, S.504, became a law. Congress expanded the current eligibility period to cover Dec. 7, 1941, to the present, and includes the current war campaigns. This allowed the American Legion to extend the privilege of membership "to all military personnel who served on active military duty during all of the unrecognized war eras involving active United States military personnel."

As the Jewish War Veterans is also a veteran service organization chartered by Congress, we are petitioning lawmakers to sponsor a similar piece of legislation to allow JWV to define the scope of its membership in a similar manner.

## POW/MIA

For many years JWV has consistently sought the return of all POW's, the fullest possible accounting for the missing, and repatriation of all recoverable remains. At every National Executive meeting, JWV displays the POW/MIA flag in front of the dais to show our continued support.

JWV asks the Congress to provide the necessary personnel and funding to continue to make every effort to bring closure to the families of the missing. The number of still missing and otherwise unaccounted for servicemembers from the Vietnam War is 1,424. The total accounted for since the end of the Vietnam War in 1975 is 1059.

The Jewish War Veterans of the United States of America urges Congress to provide adequate funding to support the greatest possible accounting of missing service members and the repatriation of all recoverable remains. JWV remains a strong advocate for the return of all those missing in action and prisoners of war. JWV is pleased to see the reparation of those missing in Vietnam, as well as those from the Korean War and even from WWII. It's important that as many families as possible have closure.

## CONCLUSION

Chairman Moran and Chairman Takano, our great nation must care for its veterans.

Early in January, more than 3,000 military personnel were quickly and unexpectedly dispatched to the Middle East, a very dangerous area. These troops are in addition to the tens of thousands that are already there. These military personnel are now potentially in harm's way, as growing tensions with hostile actors, such as Iran and Isis could precipitate a military conflict. In fact, rockets from Iran have caused Traumatic Brain Injury (TBI) and or concussions to 109 of our military personnel. These injuries were severe enough that a significant number of these personnel had to be evacuated both to Landstuhl Army Medical Center in Germany and to medical facilities in the United States.

Soldiers do not return from war the same as when they went to war. Some will have physical injuries, from a slight wound to the horrific loss of limbs. Some will have invisible wounds, such as PTSD, psychological trauma, TBIs, and/or the effects of herbicides and chemical exposure. Some soldiers come home suffering trauma which can lead to homelessness, an empty life, and/or suicide when the veteran has hit bottom.

Every soldier will become a veteran and your support, your legislation, and your interest in them is needed to take care of their needs now, and throughout their lifetime.

JWV looks to the House and Senate Committees on Veterans Affairs to ensure that the needs of these veterans are met. JWV believes that veterans' benefits are earned through service and sacrifices in defense of the nation and are not "entitlement" or "social welfare" programs. Our country must, therefore, pay the costs involved.

We thank you for the opportunity to present our priorities to you today.

# **Jewish War Veterans of the United States of America**

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