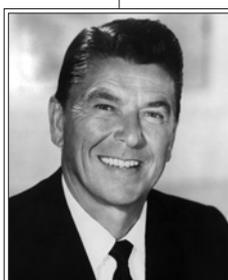


CHAPTER 8

# NEW WARS AND A NEW ERA



*Here's my strategy on the Cold War:  
We win, they lose.*

**~ Ronald Reagan ~**

THE 1980S WERE A DECADE OF ECONOMIC UPHEAVAL AND CHANGE FOR OUR NATION. ONE OF THE GREATEST CHANGES WAS THE TYPE OF MILITARY CHALLENGES OUR ARMED FORCES WERE ASKED TO CONFRONT. OUR MEN AND WOMEN IN UNIFORM WERE SENT INTO BATTLE IN GRENADA, PANAMA, AND OTHER SMALL COUNTRIES.

At the time, who could have known that these were among the first small-scale military involvements that would take our troops into places like Lebanon, Somalia, Haiti, Bosnia, and Liberia.

Visiting young wounded troops in military hospitals after these conflicts, DAV leaders were all too aware that many American people have a short span of memory when it comes to the sacrifices made by its men and women in our armed forces. The organization has confronted this forgetfulness time and again, even after the largest wars.

From the beginning, therefore, the organization's leaders and members were deeply concerned about the fate of those who returned home disabled from these small, but deadly military actions. The young men and women disabled in these conflicts were heroes, just

as surely as anyone who served in one of the large ground wars of the 20th century. Yet the DAV's leaders and members understood something very unfortunate. They knew the American people would forget these campaigns almost as soon as the TV news coverage came to an end.

This awareness prompted them to work tirelessly to make sure these newly disabled veterans were brought into the organization. Inside the DAV, at least, they were remembered and honored with the same respect that is due to all veterans who have sacrificed their blood and their health for our country.

In 1981, President Ronald Reagan signed the Former Prisoners of War Benefits Act into law. The DAV had fought long and hard for this bill, the first improvement in POW benefits in 35 years.

In March of the same year, DAV membership topped 700,000. Through an aggressive recruiting program, the DAV was gaining strength in numbers and now could boast that one out of every three disabled veterans had joined its ranks.

In 1982, the Auxiliary reached an important milestone when Eva B. Rodgers became the first African-American woman to hold the post of Auxiliary National Commander.

Veterans Day 1982 saw the U.S. Senate and House of Representatives designate an entire week as National Disabled Veterans Week. Also in 1982, National Adjutant Dale Adams received the prestigious Rehabilitation Prize of the World Veterans Federation.

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**DAV VIETNAM VETERANS NATIONAL MEMORIAL, ANGEL FIRE, NEW MEXICO**

On Memorial Day 1983, a beautiful shrine in Angel Fire, N.M., was rededicated as the DAV Vietnam Veterans National Memorial. This impressive monument rises majestically from a hillside above the Moreno Valley with the Sangre de Cristo Mountains as a backdrop.

Originally built by the family of Lieutenant David Westphall, who died in Vietnam, the DAV formed a separate nonprofit organization to assume responsibility for the memorial when the financial burden proved too much for the Westphall family. DAV support continued for 17 years before the memorial was turned over to a foundation formed by the Westphall family to continue its operation.

Within the DAV, there began an evolutionary changing of the guard. Norman “Gabby” Hartnett retired in 1983 to become a DAV consultant. Known for his reputation as one of the Nation’s foremost experts on the veterans’ health care delivery system, he represented the DAV on committees advising the VA on health care issues and also surveyed VA medical facilities. Hartnett’s long career began in 1946 when he was appointed a National Service Officer. A graduate of Northeastern University, Gabby later served as National Employment Director, overseeing the creation and development of federal employment regulations affecting returning Vietnam veterans. As National Service Director, he had a central role in the shaping of VA health care policies. This long career of service did not end with retirement and consultancy. In yet another decade of service, he faced one of his greatest challenges as he prepared one of the DAV’s great leaders to become the Secretary of Veterans Affairs, and Gabby would become his Chief of Staff and carry to the VA a sense of mission and advocacy for disabled veterans.

## Years of Change and Growth

In Vietnam, the women who served were subjected to the hazards of a war with no boundaries. A huge contingent of women had also served in World War II, with many more following during the Korean War. Concerned that the needs of these veterans were not being met, the DAV explored ways to help.

After some success with passage of the Veterans' Health Care and Programs Improvement Act of 1983, the DAV pushed for the formation of a Women's Advisory Committee within the VA. With active participation of women veterans from the DAV, the committee looked for ways in which the VA could better meet the needs of the Nation's women veterans.

In 1984, Vietnam veterans reached an out-of-court settlement with seven chemical companies that had produced Agent Orange during the war in Southeast Asia. The DAV had lobbied hard on behalf of veterans who were suffering from the lingering effects of the herbicide.

On another legal front, also in 1984, a federal judge in Salt Lake City found the U.S. government negligent in its aboveground testing of nuclear weapons in the Nevada desert from 1951 through 1962.

For the DAV, 1985 was a year to remember. On April 22, the organization reached its long-sought goal of one million members. Most credited Dale Adams as the man responsible for the DAV's remarkable growth, noting the organization had only 200,000 members in 1962 when he became National Adjutant.

Beginning in 1986 and every year after, the DAV—working with Chapters and Departments—cosponsored the National Disabled Veterans Winter Sports Clinic. The program brings exciting athletic rehabilitation to some of America's most profoundly disabled veterans. The event, now known as "Miracles on a Mountainside," has thrilled, challenged, and inspired participants who suffer from spinal cord injuries or diseases, neurological conditions, orthopedic amputations, visual impairments, and other disabilities.

Imagine the confidence a blinded or paralyzed veteran gains skiing down the side of a mountain in the Colorado Rockies. That's what the DAV means when it says that the winter sports clinic creates "Miracles on a Mountainside."

NATIONAL DISABLED VETERANS WINTER SPORTS CLINIC PARTICIPANT



WINTER SPORTS CLINIC LOGO

Another longstanding objective of the DAV was achieved in 1987, when Congress voted overwhelmingly to elevate the VA to Cabinet-level status. President Ronald Reagan, against the wishes of several on his staff and to the surprise of many officials in Washington, agreed with the proposed move. The DAV and other veterans' groups had been pushing for this legislation for several decades.

In 1987, the government ceased helping many veterans with the cost of transportation to and from VA medical facilities for treatment. In response, the DAV organized a nationwide Transportation Network, which is administered by DAV Hospital Service Coordinators at VA medical centers across America.

When the DAV began buying Transportation Network vans to take disabled veterans to VA medical centers, it was a much-needed extension of services. The DAV was now taking people literally by the hand, putting them in vans, and taking them for care that would allow them to have a life hopefully free of some of the effects from injuries that they suffered. No other organization did that. The DAV spent millions of dollars to put the vans on the road, but that gave our donors the chance to say, "I contribute to the DAV and I know why." The DAV started transporting disabled veterans to VA hospitals to get care that, in many instances, was life saving.

As the DAV was growing, it became apparent time was creeping up on some of its most experienced leaders. On April 9, 1988, National Adjutant Adams sent a letter to National Commander Gene A. Murphy, indicating his desire to retire. For 43 years, Adams had worked tirelessly and courageously for the DAV.

Adams remarked, "One DAV member helping one disabled veteran. That is the bedrock of the DAV. It is a philosophy that first brought me to the organization, sustained me throughout my career, and comforts me as I now enter retirement."

Commander Murphy noted Adams' capability to distill complex, wide-ranging problems into simple solutions. "And in my mind," said Murphy, "he became a man who truly could see the forest while everyone else pondered the trees."

Charles E. Joeckel, Jr. succeeded Adams as National Adjutant.

To recognize his lifetime of service to disabled veterans, the DAV's National Service and Legislative Headquarters in Washington, D.C., was renamed in honor of Dale Adams. The headquarters building was rededicated on February 11, 1989, during the DAV's annual Mid-Winter Conference attended by hundreds of DAV members and Washington dignitaries. House Veterans' Affairs Committee Chairman G. V. "Sonny" Montgomery



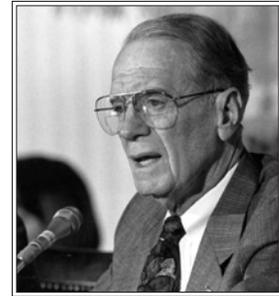
**NATIONAL SERVICE & LEGISLATIVE HEADQUARTERS  
REDEDICATION**



*IN 1988, CONGRESS PROPOSED  
ENDING A LONG PERIOD OF  
UNDERREPRESENTATION IN  
OUR NATION'S HISTORY BY  
ALLOWING VETERANS TO  
APPEAL VA CLAIMS DECISIONS  
TO THE COURTS BY CREATING  
A UNITED STATES COURT OF  
VETERANS APPEALS.*

(D-Miss.) said that it was only fitting that the DAV headquarters building “should be known as the house that Dale Adams built.”

“Not only has he served DAV members, but his work has spilled over to all veterans and their dependents,” Chairman Montgomery said. “Few people have really become what you could call a hero for veterans. Dale Adams deserves this title and he deserves to have this building named for him.”



CHAIRMAN "SONNY" MONTGOMERY

As the DAV underwent change, legislation concerning an issue that dated back 40 years came to fruition. Despite the threat of a veto, President Reagan signed Public Law 100-321, the Radiation Bill. The DAV had been one of the first veterans' groups

to recognize radiation-related health problems among veterans.

In 1988, Congress proposed ending a long period of underrepresentation in our Nation's history by allowing veterans to appeal VA claims decisions to the courts by creating a United States Court of Veterans Appeals. The law would have allowed veterans the right of judicial review and created a court to hear veterans' appeals of decisions made by the VA's Board of Veterans' Appeals, but it would have required attorneys to represent veterans, thus taking much-needed compensation away from deserving veterans in the form of attorneys' fees.

CHIEF JUDGE FRANK NEBEKER AND DAV NATIONAL SERVICE DIRECTOR ARTHUR H. WILSON



The DAV was historically opposed to judicial review of veterans' claims because it would give the legal community access to the earned benefits of disabled veterans. When the court was proposed, veterans and the DAV unequivocally opposed this intrusion because of the cost to veterans. The DAV didn't support lawyers working veterans' claims and taking as much as a third of the benefits that were so hard to obtain and most likely needed by veterans to survive.

Art Wilson, who was then National Service Director, said the DAV proposed several options, including one that ultimately defined the Court. It was the only Court in the land that allowed non-attorney practitioners to participate. The DAV made the proposal conform to the sensitivity of veterans and veterans organizations.

Congress ultimately authorized the Court in such a way that it allowed for veterans organizations to participate if their representatives met certain standards of competency.

Wilson worked closely with several senior DAV NSOs, including Jesse Brown, who also had an historical view and knowledge of the system as it was. A group of DAV service and legislative experts were deeply involved in transforming the system into another level of appellate review for veterans. DAV hired John Cochran, a former VA General Counsel, and Ronald L. Smith, who is today DAV Deputy General Counsel for Veterans Claims, to navigate the legal nomenclature to establish the Court according to the DAV's requirements.

**KENNETH D. WOLFE**



It took a long time to get not only the authorizing legislation, but also the implementing interpretation of that law as to how the court was going to operate. The DAV actively participated in hearings and recommendations for judges for the Court.

It participated in the official naming of the Court and what it was going to look like.

It took senior staff a long time to work out the DAV's policy, but it was changed



**LEFT TO RIGHT, CHAD COLLEY, DENVEL D. ADAMS, SPEAKER TIP O'NEAL OF MASSACHUSETTS, AND JOE HAROLD**



FORMER SECRETARY OF VETERANS AFFAIRS, JESSE BROWN

from opposition to support when it was finalized that veterans were to be accommodated. It then took several years for the Court of Veterans Appeals to become what the DAV envisioned—a court to assist veterans and not one that would damage or destroy the system that took care of veterans for so many years.

“We wanted to make sure that the system was veteran friendly, that it did not turn the process into an arbitrary or an adversarial proceeding which, in fact, it initially became. To a certain degree it is an appellate Court—meaning it’s an appeal of the records of VA decisions, not necessarily the presentation of testimony from one side or the other,” said Wilson. The DAV was very successful in educating those who became part of the court, including the staffs and the clerks for the judges, as to the system’s purpose. It assured that the system would take care of America’s veterans, and would not become a Court to protect the Department of Veterans Affairs in its decision process.

“Initially when the proposal was made to create the court, Art and Jesse instructed me to attend a program where political leaders were very supportive of putting the court in place,” said former National Service Director Ken Wolfe. “I presented the DAV position at the time that we did not think the proposal was a good one—not because the concept was flawed, but because the way they wanted to put it in place was flawed. In the end, with DAV’s leadership, the Court of Veterans Appeals turned out to benefit veterans and their dependents. The court system was put into place the way the DAV had demanded,

which would allow for non-attorney practitioners to represent claimants. It has been very successful. “

The Court became a reality in November 1989, but problems quickly surfaced. The VA immediately became adversarial with the General Counsel, vigorously defending VA decisions. The DAV was concerned that the VA was turning from an agency created to support veterans into an adversary. It was the presence of the DAV and others participating in the process that prompted the VA to soften its approach, realizing it could do more and serve more veterans by trying to be helpful as opposed to being an adversary. There was also the problem of Court decisions that reversed VA policy.

Claims processing bogged down as the VA would stop adjudication of cases after each Court decision so that pending claims decisions did not conflict with Court decisions. “Early on there were several problems by 1992, I was calling for the abolition of the Court,” said Wilson, “but there came a point where it wasn’t bogging down the VA system. Before, every time the Court made a decision the VA stopped. Today, we are beyond those growing pains.”

The DAV’s role was the key to the development of the Court of Veterans Appeals. The DAV played a major role in writing the legislation, in helping to formulate and implement regulations and policies of the Court, and in helping to identify those who hear these cases. The DAV was successful and, thanks to the continuing resourcefulness of the DAV staff, it has been very successful over the years in providing meaningful benefits for veterans.

After the U.S. Court of Veterans Appeals opened for business, the DAV successfully presented only the second notice of appeal to the Court. The Court was empowered to decide all relevant questions of law and to interpret constitutional, statutory, and regulatory provisions involving veterans. Finally having an opportunity to request judicial review of claims denied by the Board of Veterans’ Appeals, which had been the highest level of appeal in the VA, the DAV exercised considerable influence over our Nation’s policies toward its veterans. In deciding one case in favor of a veteran represented by the DAV, the Court order still stands as one of its most important precedents.

“It turned out to be what we wanted it to be,” said Wilson. “When it became a reality, we had helped design the Court to help veterans. “