

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

April 8, 2014

1:07 p.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair
Representative Gabrielle LeDoux, Co-Chair
Representative Pete Higgins
Representative Shelley Hughes
Representative Lora Reinbold
Representative Max Gruenberg

MEMBERS ABSENT

Representative Dan Saddler

COMMITTEE CALENDAR

CS FOR SENATE JOINT RESOLUTION NO. 24(STA)
Relating to certain holiday practices at federal Veterans Health
Administration facilities.

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SJR 24

SHORT TITLE: VETERANS HEALTH ADMINISTRATION POLICIES

SPONSOR(S): SENATOR(S) HUGGINS

02/14/14	(S)	READ THE FIRST TIME - REFERRALS
02/14/14	(S)	STA
03/11/14	(S)	STA AT 9:00 AM BUTROVICH 205
03/11/14	(S)	Moved CSSJR 24(STA) Out of Committee
03/11/14	(S)	MINUTE(STA)
03/12/14	(S)	STA RPT CS 4DP SAME TITLE
03/12/14	(S)	DP: DYSON, WIELECHOWSKI, COGHILL, GIESSEL
04/02/14	(S)	TRANSMITTED TO (H)
04/02/14	(S)	VERSION: CSSJR 24(STA)
04/03/14	(H)	READ THE FIRST TIME - REFERRALS
04/03/14	(H)	MLV
04/08/14	(H)	MLV AT 1:00 PM CAPITOL 120

WITNESS REGISTER

ERIC HOLLEN, Staff
Senator Charlie Huggins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the committee substitute for SJR 24(STA) on behalf of Senator Huggins, prime sponsor.

ACTION NARRATIVE

[1:07:37 PM](#)

CO-CHAIR NEAL FOSTER called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:07 p.m. Representatives LeDoux, Reinbold, Gruenberg, Higgins, Hughes, and Foster were present at the call to order.

SJR 24-VETERANS HEALTH ADMINISTRATION POLICIES

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CO-CHAIR FOSTER announced that the only order of business would be CS FOR SENATE JOINT RESOLUTION NO. 24(STA), Relating to certain holiday practices at federal Veterans Health Administration facilities.

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ERIC HOLLEN, Staff, Senator Charlie Huggins, Alaska State Legislature, informed the committee in December 2013, Christmas cards were not delivered to veterans at Veterans Health Administration, U.S. Department of Veterans Affairs (VA), facilities based on the language printed on the front of the cards. Cards that were made by school students and that carried the greetings of "Merry Christmas" or "God Bless You" were not delivered to the veterans at the VA facility in Dallas, Texas. He explained that at the facility, VA policy on this matter was misinterpreted by an unknown person in charge. The students' teacher was told that the cards were not acceptable because of their religious tone. In addition, at a VA facility in Augusta, Georgia, high school students who had come to the facility to sing Christmas carols were turned away. In Iowa City, Iowa, and in Alabama, holiday well-wishers were not allowed to give presents to veterans if the packages were wrapped in Christmas-theme paper. Mr. Hollen directed attention to the resolution beginning on page 2, line 18 and paraphrased the following:

BE IT RESOLVED that the Alaska State Legislature respectfully requests that the United States Secretary of Veterans Affairs to reconsider policies that are currently in place that violate the rights of veterans at the VA hospital nationally and to ensure honored veterans receive timely holiday gifts and cards.

REPRESENTATIVE REINBOLD spoke of her experience with teachers in her community who were unsure whether they could say, "Merry Christmas." She said it was important to not lose American traditions.

CO-CHAIR LEDOUX asked whether this is a VA policy or a misinterpretation of a VA policy by an individual.

MR. HOLLEN answered that VA policy was misinterpreted by specific individuals.

CO-CHAIR LEDOUX said if there has been a misinterpretation of the policy, the resolution should focus on those individuals, and encourage VA to enforce the existing policy. She questioned whether the policy needs to be rewritten.

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MR. HOLLEN responded that the intent of the resolution is to ask the Secretary of Veterans Affairs to reconsider the policies and to ensure that the policies are correctly administered by its employees.

REPRESENTATIVE GRUENBERG expressed his concern about the situation; however, there is not enough information to see what the policy is and to ponder the actions of the employees. He said additional facts are needed such as primary documentation and witnesses. Representative Gruenberg related that an assistant attorney general, Civil Division, Department of Law, advised that his office may investigate, but the committee needs more information because four or five months have passed and other action may have been taken. He suggested that the committee should be in contact with members of the U.S. Senate Committee on Veterans' Affairs.

CO-CHAIR FOSTER noted copies of an article in The American Legion entitled, "VA Christmas Card ban defies law" were provided to the committee.

REPRESENTATIVE HUGHES referred to the resolution beginning at page 2, line 19 which read:

United States Secretary of Veterans Affairs reconsider the policies on holiday practices at Veterans Health Administration facilities and rewrite those policies so that the violations of veterans' rights described in this resolution do not occur again; and be it

REPRESENTATIVE HUGHES suggested that if the policies are not the problem, the committee may consider the following change: That the legislature basically opposes the action taken at the four VA facilities and just opposes that interpretation. She observed if the problem was caused by the interpretation of the policies, "the **RESOLVE** really doesn't match up with what you said."

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MR. HOLLEN acknowledged that the confusion in the language is just that "we oppose the concept of the misinterpretation" and "have the Secretary of the VA recognize the fact that we're in opposition of this and we'd like someone to be accountable for that action." In further response to Representative Hughes, he said the policies are "OK."

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REPRESENTATIVE HUGHES asked what VA's policy is concerning holiday cards.

MR. HOLLEN advised that as a rule, the chaplain at a facility ensures that the language on the card is appropriate for the veteran who receives the card; however, in this instance, the chaplain was not involved in the decision-making process. In further response to Representative Hughes, he confirmed that the chaplain would ensure that a card bearing a Christmas message is not given to a non-Christian.

REPRESENTATIVE REINBOLD reiterated that the resolution does not go far enough and described an incident at Joint Base Elmendorf-Richardson (JBER). She stated she is aware of evidence that shows that the religious freedom of soldiers and others must be protected, and expressed her support for the resolution.

REPRESENTATIVE HIGGINS told of his personal experience while serving overseas in the military when it was necessary to

respect the law of the land, which restricted the possession of some religious texts. He agreed that the resolution may not be strong enough, and urged for language more pointed than "to reconsider the policies [and] rewrite the policies."

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CO-CHAIR LEDOUX agreed with Representative Higgins, and questioned whether VA regulations need to be rewritten or [staff members at VA facilities] need to be fired. As written, the resolution does not clearly identify the cause of the problem.

REPRESENTATIVE GRUENBERG said he was unsure of the circumstances surrounding this matter. He reminded the committee of the Establishment Clause [of the First Amendment to the U.S. Constitution] that prohibits the government from favoring one religion over another, and of the Free Exercise Clause [of the First Amendment to the U.S. Constitution]. He directed attention to page 2 of the aforementioned article and paraphrased as follows:

... there has been a federal court decree to stop denying freedom of religious expression at VA facilities

REPRESENTATIVE GRUENBERG expressed his interest in looking at the court order and its relevance to the resolution, because this would reveal evidence of the circumstances. He urged the committee to take the time to gather the facts and make informed decisions, regardless of the subject.

REPRESENTATIVE HUGHES proposed amending the language of the resolution beginning on page 2, line 18 as follows:

BE IT RESOLVED that the Alaska State Legislature strongly opposes the actions of the United States Veterans Affairs officials that prohibited religious holiday messages and gifts from being conveyed to veterans at Veterans Affairs facilities in the United States of America so that the violations of veterans' rights described in this resolution do not occur again

REPRESENTATIVE HUGHES explained this change would state the legislature's opposition to what has occurred, but not focus on whether VA policies are appropriate.

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REPRESENTATIVE GRUENBERG observed that to maintain a credible legislative process is to give an opportunity to know all of the facts, although he said he did not want to delay the resolution or excuse anyone's actions.

REPRESENTATIVE REINBOLD said she supports the proposed language except for limiting the affect to facilities located in the U.S.

MR. HOLLEN stated his support for the clarification proposed by Representative Hughes. He stressed that the intent of the resolution is to point out that these misinterpretations happened at four different VA locations.

REPRESENTATIVE REINBOLD concluded that there must be a very big problem to cause these incidents to happen at multiple facilities. She urged for the committee to "get this to the floor."

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CO-CHAIR FOSTER advocated for an opportunity for Senator Huggins to respond to the proposed language.

CO-CHAIR LEDOUX spoke in support of the proposed language; however, the federal decree may reveal whether there is a problem with the policy, and she urged for its review.

REPRESENTATIVE HIGGINS suggested that the committee submit proposed amendments to one of the co-chairs prior to the next meeting.

REPRESENTATIVE GRUENBERG again directed attention to page 2 of the aforementioned article, and paraphrased from a statement by American Legion National Commander Daniel M. Dellinger as follows:

... this is a clear case of discrimination on the basis of religious expression; the courts have already ruled that such policies are unconstitutional

REPRESENTATIVE GRUENBERG opined the above referenced court case may be a controlling authority and asked for the opinion to be made available to the committee.

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CO-CHAIR FOSTER opened public testimony on SJR 24.

REPRESENTATIVE GRUENBERG stated that if the resolution passes, copies should be sent to the chair and ranking member of the U.S. Senate Committee on Veterans' Affairs: the Honorable Bernie Sanders and the Honorable Richard Burr.

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CO-CHAIR FOSTER, after ascertaining that no one else wished to testify, closed public testimony. He directed the committee to send proposed amendments to his aide, Paul LaBolle, who would provide them to the sponsor of the bill.

REPRESENTATIVE GRUENBERG recalled Representative Higgins's testimony on his experience, and expressed his concern about that policy.

REPRESENTATIVE HIGGINS explained the policy was part of an agreement between the U.S. military and the host country of a U.S. forward base. In further response to Representative Gruenberg, he clarified that the camp was on foreign soil.

REPRESENTATIVE GRUENBERG said he felt this policy would be troubling to military members.

REPRESENTATIVE HIGGINS concurred.

CO-CHAIR FOSTER announced that SJR 24 was heard and held.

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ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:39 p.m.