

# **Veterans Studies Interest Group Listserv**

## **Issue #55 January/February 2022**

### **The Veteran's Creed**

- 1. *I am an American Veteran***
- 2. *I proudly served my country***
- 3. *I live the values I learned in the military***
- 4. *I continue to serve my community, my country and my fellow veterans***
- 5. *I maintain my physical and mental discipline***
- 6. *I continue to lead and improve***
- 7. *I make a difference***
- 8. *I honor and remember my fallen comrades***

**Note: The listserv is now bimonthly.**

This edition of the Listserv includes Past and Current Treatment of African American Veterans; Veterans Nursing Home Lawsuit; First Internal Heart Pacemaker Was Implanted in the VA; Unclaimed Remains; Amyotrophic Lateral Sclerosis in Veterans; Not Left Behind; Covid Update; and Earplug Lawsuit

### **Past and Current Treatment of African American Veterans**

As indicated in [Listserv# 54](#), over six weeks in April and May 2021, Georgetown University convened a unique workshop of high-level individuals to discuss the topic "Supporting Veterans After 20 Years of the All-Volunteer Force and 50 Years of War: Ideas Moving Forward." Led by GEN George W. Casey Jr (Ret.), 36<sup>th</sup> Army Chief of Staff and I, the participants came from the public and private sectors, academia, media, and veterans' organizations.

They included former VA Secretaries, Deputy Secretaries and Undersecretaries. Congresspersons; former National Guard leadership; directors of major veterans' organizations; several officials from the Department of Veterans Affairs; media; and academia. Out of this workshop, we are preparing a monograph describing the event.

February is Black History Month and I have chosen the following entry from the monograph about African Americans and the GI Bill. An important point is that while on paper Blacks had the same rights in the GI bill as others, the practice was very different.

African Americans have been important in the military since the nation's inception including the Buffalo soldiers in the Wars of the Plains, the Harlem Hellcats in World War I, the Tuskegee Airmen in World War II and the Montford Point Marines in World War II and in integrated units in Korea and Vietnam. At the same time, the disadvantaging of African Americans as a result of unequal treatment both in the military and [as veterans](#) is clear.

African American soldiers returning home from World War I expected that their brave fighting would yield rewards in civil society, but they were [disappointed](#). After World War II, the integration of the military via President Truman's Executive Order [9981](#) was a major forward step for the country and veterans and it was an important part of the post-World War II civil rights movement.

However, African American veterans were again disappointed in [many ways](#). The 1944 GI bill did not specifically exclude the 1.2 million African Americans who had enlisted in [World War II](#), but its structure was hostile to them. The program was administered by the states so that the southern states could exert their prejudicial influence. A much larger proportion of black than white veterans were discharged less than honorably, and they did not qualify for the bill's benefits, a problem that still exists. Many schools were segregated so that even if African Americans could get the benefits, they could not easily get the education. Northern universities were slow in accepting black students and southern universities barred them completely. Redlining of housing prevented African Americans from using mortgage benefits in many instances even though the VA guaranteed the loan. These were just some of the barriers that the civil rights movement had to overcome in subsequent years.

### **Veterans Nursing Home [Lawsuit](#)**

Some justice has been served for the families of the 101 residents that died of Covid due to neglect at the Menlo Park Veterans Memorial home in Edison NJ and the 89 lost at the Veterans Home in Paramus (see Listservs [#41](#) and [42](#)).

On January 7<sup>th</sup> the New York Times reported that New Jersey agreed to pay \$53 million to families of 119 veterans who lived in these two [facilities](#). The families had been preparing to file lawsuits. The average payout is expected to be about \$445,000 in this first nationwide settlement. Lawyers for the plaintiffs said they had no recollection of a similar settlement since many states give nursing homes broad immunity to nursing homes from lawsuits as they face new demands and changing government directives. The veterans' case included claims that staff members were barred from wearing masks before April 2020 to avoid scaring residents, sick and healthy residents were allowed to congregate and staff members moved from room to room without proper precautions.

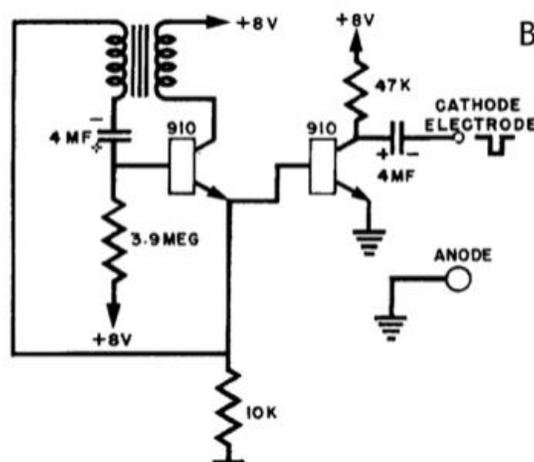
State-run nursing homes in Illinois and Massachusetts had similar problems and there are lawsuits pending there as well. The New Jersey settlement may be a model for them.

### **First Internal Heart Pacemaker Was Implanted in the VA**

The VA history office has initiated an interesting new exhibit entitled "100 Objects". The exhibit is oriented around individual objects that are important in the history of the Department of Veterans Affairs.

One of these objects is the first ever internal heart [pacemaker](#) implanted by Dr. William Chardak at the VA hospital in Buffalo NY in 1960. Previously cardiac pacemakers external to the body had been used but did not work out. This internal pacemaker was built by electrical engineer Wilson Greatbach in his backyard workshop. The team, which also included another surgeon Andrew Gage, continued to work together for

many years and also pioneered the use of long-lasting lithium iodine power cells for pacemakers. This advance dominated the field, and it made modern, efficient pacemakers possible. Implantable pacemakers also opened the door to many other implants including implantable cardiac defibrillators and both devices have prolonged the lives of many veterans and others – a major VA contribution.



First ever internal heart pacemaker implanted in the VA hospital in Buffalo NY in 1960

### Unclaimed Remains

According to a VA Inspector General report of December 15, 2021, there are thousands of [unclaimed](#), veterans left in boxes and urns around the country. The VA's only estimate is a vast range of 11,500 to 52,600 in a 2018 report. The IG report was prompted by a news item about the discovery of more than two dozen unclaimed, cremated remains of veterans in a Roseburg OR Funeral Home in 2019. Some of the

remains had been forgotten for as much as 44 years and the discovery led to a proper burial for these veterans. The problems outlined in the IG report were weak oversight of benefits and services for deceased veterans, poor outreach and collaboration when funeral homes and others who might have their remains and VA's inability to perform "accounting and reconciliation of payments made on behalf of deceased veterans whose remains are [unclaimed](#)."

Funeral homes and some coroner's offices told the IG that they didn't contact VA because the eligibility and benefits process was just too burdensome. But it is likely that things will improve after this IG report to which six high level VA officials responded.

Veterans have the right to a dignified burial. VA benefits generally provide for a marker for the deceased, an American flag, and a presidential memorial certificate for survivors. Spouses and dependent children are also eligible for burial benefits.

### **Amyotrophic Lateral Sclerosis in Veterans**

In an Op-Ed plea for more research on the disease, a retired Marine and VFW national Deputy Chief of Staff offers some important statistics on Amyotrophic Lateral Sclerosis (ALS), a dread [disease](#) with which he is afflicted. ALS is also called "Lou Gehrig's disease" because the great baseball player died of it. ALS causes a gradual weakening of muscles until the individual can no longer breathe, communicate, or take care of themselves. One victim told me that she felt that her body was a prison from which she wanted to escape.

ALS is far more common in active-duty military and veterans than others and it is presumptive for 100% benefits. According to the [VA](#), ALS occurs in approximately 1,055 veterans per year with a possible prevalence of 4,220 given the disease's current life expectancy of about three years. Every day three veterans are diagnosed and another three die from this disease. If we add the numbers since 9/11, 3-times more veterans have died from ALS than were killed in combat (close to 21,000 versus close to 7000). There is no known cure for ALS and treatment is via management of the symptoms.

### **Not Left Behind**

The U.S at times makes Herculean efforts to identify and return the remains of those who died in battle overseas as it did for Lt. Anel Shay who died August 1, 1943 in one of the most disastrous air missions of World War II. Called Operation Tidal Wave, though also known as "Black or Bloody Sunday" this mission was designed to knockout the oil refineries in Ploesti, Romania where 60% of the Nazi's wartime fuel was generated. The mission was huge, consisting of 178 B-24 airplanes with crews of 1,726 men who had taken off from Benghazi Libya, 1200-miles away.

Operation Tidal Wave only lasted 27 minutes and 51 planes did not return. Over 500 men were lost (30% of the total in the operation, when those who were imprisoned or missing were included). Many mistakes had been made including that 2 of the 5 bombing groups made a wrong turn to Romania's capitol Bucharest instead of the target. Also, the Germans quickly found out that the planes were coming though it is still not known how. The Germans had 259 planes at Ploesti and 40 batteries of flak guns.

The bombardier in one of the planes was Lt. Anel Shay from Seattle WA – he was 25 years old when he enlisted and was killed the next year in this raid. Only one of the ten crew members in his plane, called the “Semper Felix,” survived and that individual died in 2011 at age 98.

The remains of many of those killed were buried in a cemetery in Ploesti and Lt. Shay was finally identified via DNA matched with his grandnephew. His remains were ceremonially returned to Seatac WA where he was met by his step nephew and grandnephew, both of whom said they knew little about him. They had seen his medals in a cabinet, but he was not talked about much over the last 78 years.

## Covid Update

<b>VA Covid Statistics</b>		
	<b>12/19/21</b>	<b>2/12/22</b>
<b>Cumulative Cases</b>	<b>400,910</b>	<b>595,317</b>
<b>Active Cases</b>	<b>9,758</b>	<b>20,079</b>
<b>Convalescent Cases</b>	<b>373,764</b>	<b>555,295</b>
<b>Known Deaths</b>	<b>13,379</b>	<b>19,943</b>
<b>Known deaths, VA Employees</b>	<b>182</b>	<b>243</b>

Note the substantial cumulative increases since December (See Listserv 54), the result of Omicron.

## Earplug Lawsuit

The 2 most common disability awards for male veterans are tinnitus (ringing in the ears, 8.6% of male veterans’ claims) and hearing loss (5.2% of claims). The loud noises of military life wreak havoc with one's hearing and both conditions rank higher than PTSD and musculoskeletal [conditions](#). On January 27th, a federal jury awarded \$110 million to two U.S. army veterans who said they had hearing damage because of defective combat ear plugs produced by the 3M [company](#). So called Combat Arms earplugs Version 2, did not work and were discontinued. The 3M company said they would appeal the verdict.

These suits are part of one of the largest mass tort litigations around the country. Nearly 300,000 servicemen and civilians are involved. Ten other cases have been decided in which 9 of 14 service members awarded \$1.7-22.5 million each. Five other trial dates are set for this year, the next one in Pensacola FL in March.

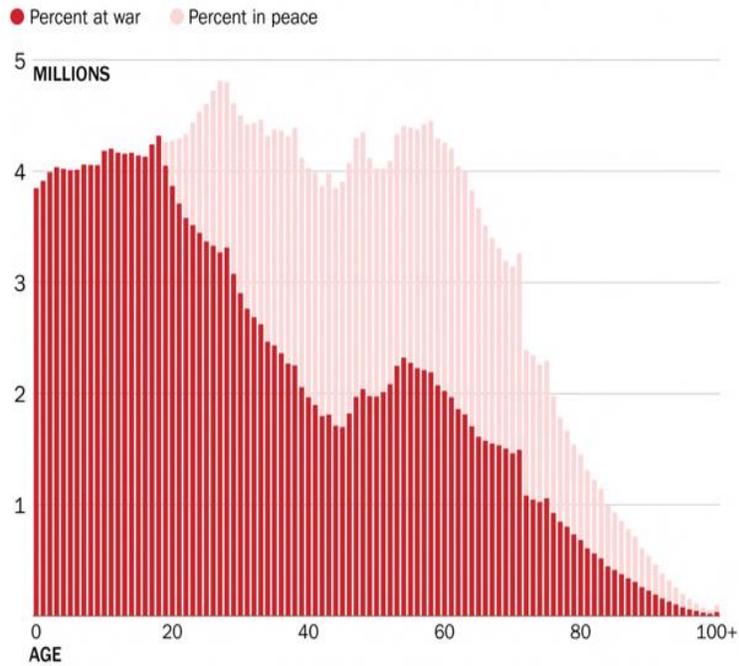
This growing tally started with a whistleblower lawsuit that alleged that 3M was in violation of the False Claims Act.

Joel Kupersmith, M.D.

The Listserv is available as an archive on the Georgetown University Library website under the title “Veterans Interest [Newsletters](#)

## Stats Section

### Percent of Time That the U.S. Was at War in Relation to the Age of its Residents (as of January 2020)



From the Washington [Post](#). Until last August when the war in Afghanistan ended, 25% of U.S. residents had faced the U.S. at war for all of their lifetime.