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VETERANS

MONTHLY INFORMATION PACKAGE

FLAGLER COUNTY

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VA’s Board of Veterans’ Appeals resolves record number of claims to date for FY 2018

WASHINGTON — Underscoring the U.S. Department of Veterans Affairs’ (VA) pledge to reduce the wait time for those appealing disability benefits claims, the Board of Veterans’ Appeals, as of May 27, has signed more than 53,650 decisions to date in fiscal year (FY) 2018, which is approximately 86 percent more than the 28,839 decisions signed through the same period last year.

The Board is currently on track to meet and exceed its FY 2018 total goal of reviewing a historic 81,000 appeals by Sept. 30, 2018.

This pace paves the way for implementation of the Appeals Modernization Act, which has a target implementation date of Feb. 14, 2019, and will offer Veterans more choice and control over their claims and appeals process.

“I’m proud of the Board for its dedication and commitment toward resolving appeals decisions for Veterans, and striving to reach a historic fiscal year goal of 81,000 appeals decisions delivered to Veterans,” said VA’s Acting Secretary Peter O’Rourke. “The Board’s significant increase in results for Veterans and their families serves as another strong example of the department’s commitment to getting it right for Veterans.”

In FY 2017, Congress allocated the Board approximately $42 million, which was used to hire additional staff, primarily more than 200 decision-writing attorneys and 24 Veterans law judges. The increase in staff, along with streamlining several processes, contributed to the result.

VA’s Board of Veterans’ Appeals’ mission is to conduct hearings and decide appeals in a timely manner. VA’s disability appeals process is a complex, multi-step adjudication process that uses “open records,” which allows Veterans to submit medical and lay evidence at any point from the beginning to the end of the process, including while the claim is pending on appeal; this may, in turn, require VA to develop further evidence on the Veteran’s behalf.

###
FOR IMMEDIATE RELEASE
June 21, 2018

VA Provides Reorganization Plan to Strengthen and Modernize Department

WASHINGTON — Today the Department of Veterans Affairs (VA) announced specific recommendations in the President’s “Delivering Government Solutions in the 21st Century” - Reform Plan and Reorganization Recommendations.”

The plan is the result of President Trump’s Executive Order 13781 – “Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch,” signed March 13, 2017. Specific mentions of VA are on page 57 and 125 on the document above.

The Executive Order directed all federal agencies to submit a plan to improve efficiency, effectiveness and accountability of the executive branch of government.

The proposed recommendations seek to modernize VA by reducing bureaucracy, increasing accountability and improving delivery of services to America’s Veterans and their loved ones.

“Under President Trump, we are embarking on the largest transformation and modernization effort in recent history. As part of this effort, we are tackling head-on issues that have lingered for years,” said Acting Secretary of Veterans Affairs Peter O’Rourke.

The plan outlines five modernization initiatives currently underway that will enable VA to more effectively deliver benefits and services to America’s Veterans. These initiatives include: Electronic Health Record, Community Care, Appeals Modernization, Financial Management Business Transformation and Legacy IT System Modernization.

Additionally, the plan calls for the transfer of 11 military and Veterans cemeteries from the Department of the Army to VA’s National Cemetery Administration. The transfer would increase efficiency, limit mission overlap and ensure that these cemeteries are maintained to national shrine standards. VA and the Department of Defense are working together to develop plans for the transfer, continuous care and operation of these 11 sites.

Finally, the plan will consolidate small business certification with the Small Business Administration which will improve access to capital and Federal contracts for small business owners. This is on page 93 in the report.

###
VA secretary nominee promises more medical choices for vets, but not privatization

By: Leo Shane III

WASHINGTON — Veterans Affairs secretary nominee Robert Wilkie pledged to make that department more customer friendly and better integrated with outside health care systems without “privatizing” veterans services in a subdued Senate confirmation hearing on Wednesday.

Wilkie, President Donald Trump’s third pick to lead the massive VA bureaucracy, said if he is confirmed his priorities would be to improve veterans access to medical care, reduce the backlog of benefits payments, reform the department’s human resources systems and “improve the culture” at VA.

“Many of the issues I encountered as acting secretary were not with the quality of medical care but with getting our veterans through the door to reach that care,” he told senators. “Those problems are administrative and bureaucratic … That is where VA must go.”

The 55-year-old Air Force Reserve colonel, who currently serves as the Pentagon’s under secretary for personnel and readiness, served as acting secretary for two months following Trump’s firing of former VA Secretary David Shulkin over Twitter for management problems at the department.

The confirmation hearing also came two months after Trump’s previous pick to replace Shulkin, Rear Adm. Ronny Jackson, withdrew his name from consideration for the post amid allegations of unprofessional behavior while serving as White House physician.

Several senators at the hearing referenced that leadership turmoil at VA and questioned how much interference from the White House Wilkie will face as he works to restore public faith in the department.

“We have seen VA political appointees work actively and publicly to undermine a secretary and deputy secretary who were unanimously confirmed by the Senate,” said Senate Veterans’ Affairs Committee ranking member Jon Tester, D-Mont.

“As we speak, the secretary and deputy secretary positions are vacant, while those same political appointees continue to collect paychecks from VA. We are seeing non-partisan senior leaders and subject-matter experts leave the VA in droves — many are concerned that sound policies and ideas are being increasingly marginalized at the expense of political interests.”

Wilkie said he was confident that he will have the ability to choose his own staff and advocate on behalf of policies that help veterans, even if his opinions run counter to White House staff.
The biggest of those issues is expected to be implementation of the recently passed VA Mission 
Act, which includes an overhaul of the department’s community care programs.

Critics have said administration officials are pushing too aggressively to send federal money to 
private-sector doctors for veterans care, hollowing out the VA health system. Wilkie defended 
the idea, saying that the law still leaves department officials at the center of planning for veterans 
health care.

But he also said that veterans need to have broader access to medical care, whether that means 
more department options, more telehealth opportunities, or taxpayer-funded appointments in the 
community.

Senators mostly passed on questions about controversies facing Wilkie in recent days, including 
a series of news reports outlining his defense of potentially racist and sexist policies while 
working for former Sens. Jessie Helms and Trent Lott.

The strongest queries on those topics came from Wilkie’s former boss — Sen. Thom Tillis, R- 
N.C. — who attacked the reports as unfair and misleading. Wilkie said his past work with the 
group the Sons of Confederate Veterans was only at military and congressionally backed events, 
and that his past policy work did not reflect any discriminatory views.

Most members on the panel predicted an easy confirmation process for Wilkie, the son of a 
wounded combat veteran and a confidant of Defense Secretary Jim Mattis. Since the top VA job 
became a Cabinet level post 30 years ago, no senator has cast a vote opposing a president’s VA 
nominee.

But several members of the panel warned Wilkie not to expect that goodwill to extend 
indefinitely into his tenure.

Committee Chairman Sen. Johnny Isakson, R-Ga., noted that Congress has passed a host of 
major department reforms in recent months and provided consistent raises for the department’s 
budget since 2001.

“There are no excuses anymore,” he told Wilkie. “Failure is not an option.”
Some disabled veterans no longer would be exempt from VA loan funding fees as part of proposed changes mandated by a House bill that expands health care benefits for “blue water” Vietnam veterans and others.

The Blue Water Navy Vietnam Veterans Act of 2017 would make nearly 90,000 veterans eligible for disability benefits connected to exposure to Agent Orange and other defoliants. While those who served in-country are presumed to have contacted such chemicals during their service, a 2002 policy change revoked that presumption for those who served aboard ships off Vietnam’s coast.

Reversing that change, and providing other benefits outlined in the bill, would cost more than $1 billion. To cover that cost, lawmakers plan to adjust the VA funding fee tables, which charge different fee percentages depending on the type of loan, the amount of down payment, the beneficiaries’ type of service, and whether the beneficiary has used the VA-backed loan program in the past.

The House passed the bill on Monday and awaits the Senate’s move.

The proposed changes are below, with some rates rising by half a percentage point or less, and others falling slightly. But the bill also would remove language the current law that exempts disabled veterans from the funding fees, as a Phoenix-based Realtor outlined to Military.com.

Under the proposal, 100 percent disabled veterans would remain exempt. All other veterans wouldn’t have to pay fees so long as their loans were under the Freddie Mac conforming loan limit for their region. For most of the nation, that limit is $453,100; higher-cost areas such as large metro centers and Hawaii have significantly higher limits (a full breakdown lives here).

Depending on down payment amounts and other factors, disabled veterans could end up paying thousands in funding fees on loans now exempt from such costs.

The changes would have no effect on loans already in place and wouldn’t apply to new loans until 2019, per the legislation. It also wouldn’t change funding fees for refinance loans or manufactured home loans.

Here’s why some disabled vets could pay VA loan fees for the first time

By: Kevin Lilley
FOR IMMEDIATE RELEASE
June 7, 2018

VA Commits $17 Million to Expand Intimate Partner Violence Assistance Program

Services address healing from physical, psychological and social effects of violence.

WASHINGTON — The U.S Department of Veterans Affairs (VA) is taking action to address Intimate Partner Violence (IPV) by earmarking $17 million in funds to support Veterans in need.

The funds will strengthen IPV Assistance Programs in VA facilities nationwide.

“VA recognizes that intimate partner violence is a health issue faced by many Veterans and their families,” said Acting VA Secretary Peter O’Rourke. “We are giving careful attention to this program, ensuring it is integrated into clinical care and workplace safety. Both are important to the safety of Veterans and VA employees who report experiencing violence.”

IPV affects millions of Americans. The term "intimate partner violence" describes physical, sexual or psychological harm by a current or former partner or spouse. This type of violence can occur among heterosexual or same-sex couples.

Awareness and identification of intimate partner violence among Veterans has increased. Research suggests Veterans may be at greater risk than their civilian counterparts, given the unique stressors posed by military life.

VA’s IPV Assistance Program focuses on the individual and works on developing a culture of safety. This holistic approach involves understanding, recognizing and responding to the effects of all types of trauma. The ultimate goals are to end violence, prevent further violence and promote healthy relationships.

The Veterans Health Administration launched the IPV Assistance Program in January 2014 and has since established IPV Assistance Program Coordinators at more than 115 VA facilities to offer assistance to Veterans, their partners and VA staff. Program Coordinators use resources from mental health, primary care, women’s health, Veterans justice outreach and employee occupational health and assistance programs.

The IPV program also offers intervention through VA and community partnerships that address housing, education and employment needs. This additional funding will allow VA to expand the program to all VA medical centers and build greater awareness of IPV as a serious health issue.

# # #
Gov. Scott Selects Veteran for Florida Women’s Hall of Fame
JUNE 18, 2018

Tallahassee – Gov. Rick Scott announced June 14 the selection of Janet Petro to the Florida Women’s Hall of Fame. Governor Scott chose Petro and two other nominees, Adela Hernandez Gonzmart and Lee Bird Leavengood, from a group of ten nominees selected by the Florida Commission on the Status of Women. They were considered for their work to make significant improvements in life for women and all citizens of Florida.

Janet E. Petro, 58, was born in Michigan and graduated from the U.S. Military Academy at West Point, N.Y., where she received a Bachelor of Science degree in Engineering. She also received a Master of Science degree in Business Administration from Boston University. Upon graduation, she served in the U.S. Army as a commissioned officer and helicopter pilot. Petro served in various management roles throughout her career, but most notably, as Deputy Director of NASA’s John F. Kennedy Space Center. As the first female deputy in the history of the John F. Kennedy Space Center, Petro manages and executes the center’s mission. Petro spearheaded many projects and established partnerships that led to more efficient and cost saving practices at the space center. Among her many achievements, she has been honored with the Meritorious Presidential Rank Award.
June 29, 2018

In This Issue:
1. Blue Water Navy Veterans Closer to Receiving Benefits
2. Senate Holds Hearing on Wilkie Nomination
3. Financial Readiness
4. Kentuckian Receives Medal of Honor
5. Employment Hearing
6. MIA Update

1. Blue Water Navy Veterans Closer to Receiving Benefits: With a unanimous 382-0 vote in the House on Monday, H.R. 299, the Blue Water Navy Vietnam Veterans Act of 2017, is closer than ever before to becoming law and finally providing Blue Water Navy veterans the benefits they have been denied for too long by VA’s arbitrary and capricious regulations. The bill would also expand benefits to veterans exposed to Agent Orange while serving along the Korean DMZ and children born with spina bifida due to a parent’s exposure during service in Thailand. It will also require VA to report on research being conducted on Gulf War Illness. The VFW calls on the Senate Committee on Veterans’ Affairs to swiftly consider and pass this important legislation. Read the bill text.

2. Senate Holds Hearing on Wilkie Nomination: On Wednesday, DOD Under Secretary of Defense for Personnel and Readiness Robert Wilkie testified before the Senate Committee on Veterans’ Affairs as part of his confirmation process to be the next secretary of Veterans Affairs. Wilkie discussed his military background and how he plans to work for veterans by walking the post and improving customer service at VA. Committee members asked Wilkie about several VFW priorities, such as expanding benefits to Blue Water Navy veterans; improving access to care by implementing the VFW-supported VA MISSION Act which includes ensuring veterans of all eras are eligible for caregiver benefits; and his plans to address staffing shortages. Wilkie was also given the opportunity to clarify reports about his past statements regarding the confederate flag and other issues. Watch the hearing, which starts at the 12:15 mark.

3. Financial Readiness: In anticipation of July’s “Month of the Military Consumer,” the DOD Office of Financial Readiness has released three informational videos explaining how to better plan for retirement. Each video is approximately four minutes long, and provides an overview of the new blended retirement system, the Thrift Savings Plan and pointers on how to become more financially literate. Additionally, service members and their families are highly encouraged to
meet with an accredited personal financial manager or financial counselor for free during the
month of July at their local installation’s Military and Family Support Center, or contact Military
OneSource to schedule an appointment. Learn more about taking charge of your finances or view
the videos.

4. Kentuckian Receives Medal of Honor: On Tuesday, President Trump presented the Medal
of Honor to the widow of Army 1st Lt. Garlin Murl Conner, a Kentucky farmer and World War
II veteran, who on the morning of Jan. 24, 1945, ran alone toward an attacking battalion of
German soldiers and Panzer tanks to direct American artillery fire. Conner, who died in 1998,
enlisted in the Army in 1941 at the age of 21 and would go on to serve in 10 campaigns over 28
months on the front lines, to include Anzio, Italy, where he earned a battlefield commission. The
Army credits him with four Silver Stars, a Bronze Star and three Purple Hearts. Few in his
family or hometown knew about his wartime achievements because he never talked about it, and
the campaign to get him the Medal of Honor didn't begin until a 1996 meeting with a former
Army Green Beret from Wisconsin, Richard Chilton, who was conducting research on an uncle
who died after the Anzio landing. Chilton is a life member of VFW Post 11279 in Twin Lakes.
Read more.

5. Employment Hearing: On Tuesday, the House Veterans’ Affairs Subcommittee on
Economic Opportunity held a hearing on veteran hiring and retention. The latest veteran
unemployment number is 3.4%, which is lower than it has been in past years. However,
unemployment numbers are sometimes cycllical and can be impacted by various factors that
cause them to spike quickly. Major corporations, including Walmart, Dell, Starbucks and
Prudential, along with Hiring Our Heroes, testified on how they attract and retain veteran hires
and how those employees have strengthened their individual companies. The VFW is glad to see
major industry leaders embracing veterans and their families in their hiring practices. Watch the
hearing.

6. MIA Update: The Defense POW/MIA Accounting Agency has announced identification and
burial updates for three American service members who had been missing in action from WWII.
Returning home for burial with full military honors are:
-- Army Sgt. James K. Park was a member of Company I, 26th Infantry Regiment, 1st Infantry
Division. On Nov. 23, 1944, Park was declared missing in action after being wounded while his
unit was engaged in fierce fighting within the Hürtgen Forest in Germany. Soldiers from Park’s
company attempted to search for him, but were prevented from doing so due to sustained
fighting in the area. On Nov. 24, 1945, his status was amended to deceased. Interment services
are pending. Read about Park.
-- Navy Fireman 1st Class Walter F. Schleiter was stationed aboard the USS Oklahoma, which
was moored at Ford Island, Pearl Harbor, when the ship was attacked by Japanese aircraft on
Dec. 7, 1941. The battleship sustained multiple torpedo hits, which caused it to quickly capsize.
The attack on the ship resulted in the deaths of 429 crewmen. Interment services are pending.
Read about Schleiter.
-- Navy Seaman 1st Class Daniel L. Guisinger was stationed aboard the USS Oklahoma, which
was moored at Ford Island, Pearl Harbor, when the ship was attacked by Japanese aircraft on
Dec. 7, 1941. The battleship sustained multiple torpedo hits, which caused it to quickly capsize.
The attack on the ship resulted in the deaths of 429 crewmen. Interment services are pending. 
Read about Guisinger.


As always, we want to hear your advocacy stories. To share your stories or photos with us, simply email them directly to vfwac@vfw.org.
Medal of Honor Recipient Stresses Need to Teach Children Community Values

The U.S. should redouble its efforts in teaching service values to young people, according to retired U.S. Army Col. and Medal of Honor recipient Jack Jacobs.

Less than 1 percent of Americans are serving in today's military, despite the nation facing worldwide threats and obligations, he said at Tuesday's celebration of valor luncheon at the Chattanooga Convention Center, where he was a special guest speaker.

"Most Americans do not know anybody in uniform," Jacobs said, noting that years ago, not knowing someone in service was almost unheard of.
He said he thinks the country may one day regret not having a national draft in place, as the number of enlisted men and women is slowly falling to the lowest it’s been since the 1940s.

With dwindling numbers of servicemen and women, Jacobs, who currently serves as a military analyst for NBC News, said he thinks the U.S. may not have the influence it needs to defend its interests and the interests of its allies against growing forces like China.

"Our force projection is not what it used to be," he said. "... We are spread fairly thinly around the world. We have troops who go on multiple deployments because we have insufficient numbers of people to actually perform the many missions we need to."

The decision to use more technology to defend the country rather than humans has also contributed to the shrinking number of armed forces, Jacobs said. Machines can be substituted up to a certain point, but it’s much easier and takes less resources to take objectives than to hold on to them, he said.

"You may be able to knock out the bad guys for a short period of time with drones that fire precision-guided munition up either the right or the left nostril of some bad guy," he said. "But at the end of the day, if we can't actually hold on to the objective, then we're not doing very well at all."

With fewer and fewer enlisted men and women, the values that drove previous generations to serve is lost to young people today, he said. Which is why, he said, the Medal of Honor Foundation started a character development program in order to reach as many kids as possible "to get them the kinds of values that make this country great."

The program teaches children six character traits of Medal of Honor recipients -- courage, commitment, sacrifice, patriotism, integrity and citizenship.

"Unless we can inculcate in young people those same values, then all the service and sacrifice of those people will be in vain," Jacobs said. "You're not grown up until you realize that it's not about you. It's about something much larger than you. And we have to work really hard to convince the next generation of that."
Tuesday's luncheon benefited the operational costs of the Charles H. Coolidge Medal of Honor Heritage Center, which supports the character development program in Chattanooga.

Bill Raines, a retired U.S. Army major general and the center’s chairman, said the program also aims to teach children the difference between moral and physical courage.

"You got to have physical, but moral courage is just as important and more frequently needed, either to get someone to stop bullying somebody, to not be the silent person, but to speak up," he said. "Sometimes your silence can be more dangerous than speaking up."

Luncheon attendees were also able to donate to the center's capital campaign to build a new heritage center in downtown Chattanooga next to the Tennessee Aquarium.

So far, the center has raised $2.65 million of its $3 million goal for 2018.

The center, once finished, will feature interactive and immersive war exhibits that can be a teaching aid to educate children and adults on American history, Raines said.

"It's important to teach [history], not for what it is, necessarily, but for what it represents," Jacobs said. "It's not enough to know that it happened. It's important enough to know what actually happened there and why it happened and what were the results of it."

Contact staff writer Rosana Hughes at rhughes@timesfreepress.com or 423-757-6327 with tips or story ideas. Follow her on Twitter @HughesRosana.
BOSTON — Five crewmembers from a B-17 bomber shot down during a mission over Germany in World War II are being buried together at Arlington National Cemetery next week.

The Defense POW/MIA Accounting Agency says the men are scheduled to be buried with full military honors on Wednesday.
They were identified as Tech. Sgt. John Brady, of Taunton, Massachusetts; Tech. Sgt. Allen Chandler Jr., of Fletcher, Oklahoma; 1st Lt. John Liekhus, of Anaheim, California; Staff Sgt. Robert Shoemaker, of Takoma Park, Maryland; and Staff Sgt. Bobby Younger, of McKinney, Texas.

They were members of a nine-man crew of the B-17 shot down near Barby, Germany on Nov. 2, 1944. Three survived and were captured. One was killed and identified in 1945.

The remains of the five were recovered in 2015 and 2016.

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Bladensburg WWI Veterans Memorial case appealed to the Supreme Court

June 27th, 2018 by MOTHAX

I'm not going to go fully into a deep dive on this, but will point out some important parts of this case, and point you in the direction of more if you are interested in religious freedom cases to the extent I am. (And for your sake I hope you aren't quite as interested, because the case law on it is voluminous and will leave you with headaches, since no one can get a grasp on where we stand on any of it at any given moment or as it applies to any given issue.)

But first, we'll start with this from the Washington Post.

Supporters of a towering cross-shaped memorial at a busy intersection in Maryland asked the Supreme Court on Monday to prevent the monument from being moved or destroyed.

The American Legion wants the high court to reverse an appeals court’s ruling that said the monument, on public land and maintained with taxpayer money, is unconstitutional because it “excessively entangles the government in religion.”

The Supreme Court has not given clear guidance when it comes to displays of religion on public sites, allowing some monuments with religious content to stand while rejecting others.

At issue in Prince George’s County is a 40-foot-tall cross built in 1925 to honor local men who died in World War I. The marble-and-cement monument was funded by local families and the American Legion but is now owned by a state agency, the Maryland-National Capital Park and Planning Commission.

That gives you enough to start on. Go read the whole thing if you can. Either way, the American Legion, represented by First Liberty has appealed:

Veterans memorials are living reminders of the service and sacrifice of those who gave their lives defending our country’s freedom. However, the U.S. Court of Appeals for the Fourth Circuit declared unconstitutional the historic cross-shaped Bladensburg World War I Veterans Memorial, which has stood since 1925 in honor of 49 Bladensburg-area men who died during WWI. First Liberty Institute intervened in the case on behalf of The
American Legion whose seal is prominently displayed at the memorial’s center. First Liberty, working with the law firm of Jones Day, filed a petition for rehearing en banc on behalf of The American Legion. The Fourth Circuit denied the en banc petition. First Liberty and Jones Day will appeal to the U.S. Supreme Court.

Okay, so let me start by saying this, pretty much both sides want this heard by the Supreme Court, largely because the guidance from previous Supreme Court rulings could charitably be called schizophrenic, as is made clear in the questions posed by the brief (FULL BRIEF HERE):

1) Whether a 93-year-old memorial to the fallen of World War I is unconstitutional merely because it is shaped like a cross.

2. Whether the constitutionality of a passive display incorporating religious symbolism should be assessed under the tests articulated in Lemon v. Kurtzman, Van Orden v. Perry, Town of Greece v. Galloway, or some other test.

3. Whether, if the test from Lemon v. Kurtzman, applies, the expenditure of funds for routine upkeep and maintenance of a cross-shaped war memorial, without more, amounts to an excessive entanglement with religion in violation of the First Amendment.

I’m going to go through each of these questions briefly.

Question 1 deals with whether a "per se" rule exists. In other words, does a cross ALWAYS run afoul of First Amendment jurisprudence, or does the feel of the whole area, context and other conditions factor in.

Some Senators and Congressmen (from both parties) weighed in with support for the Memorial in a “Friend of the Court” brief that can be found HERE which addresses this Per Se reading (with internal citations to cases omitted):

The Supreme Court has consistently declined to interpret the Establishment Clause in a way that would sweep away the countless references to religion “that run through our laws, our public rituals, [and] our ceremonies.” To the contrary, it has acknowledged that, when the state “respects the religious nature of our people and accommodates the public service to their spiritual needs,” “it follows the best of our traditions.” Accordingly, official acknowledgments of religion—including in the form of memorial crosses on public property—must be judged by their place in our nation’s history and traditions and by the context in which they appear.

Question 2 then starts by noting that there are three Supreme Court cases that all have different conclusions and logic, and suggests that to square all of them will (possibly) create a fourth "some other test" to figure it all out.

Lemon v. Kurtzman is generally the one everyone starts with, and which wiki lays out thusly:

1. The statute must have a secular legislative purpose. (Also known as the Purpose Prong)
2. The principal or primary effect of the statute must not advance nor inhibit religion. (Also known as the Effect Prong)
3. The statute must not result in an "excessive government entanglement" with religion. (Also known as the Entanglement Prong)

Factors.

1. Character and purpose of institution benefited.
2. Nature of aid the state provides.
3. Resulting relationship between government and religious authority.

But, while Lemon has some judicial longevity, it is befuddling not just to non-lawyers, but no one even precisely understands it within the legal community, which is why this case made it thus far without resolution.
Meanwhile, in Van Orden, a second test was laid out, which (as the Legion/Liberty petition stated) is roughly this:

In Van Orden v. Perry, this Court considered whether a Ten Commandments monument on the Texas State Capitol grounds violated the Establishment Clause. 545 U.S. 677 (2005). After holding that the Lemon test was “not useful in dealing with the sort of passive monument” at issue, a plurality of this Court looked instead to “the nature of the monument and [] our Nation’s history.” Id. at 686 (plurality opinion). The plurality found the Decalogue’s “undeniable historical meaning” for the nation—highlighted by nearby monuments evoking national history—placed it in “the rich American tradition of religious acknowledgments” which do not violate the Establishment Clause. Id. at 690.

Again, the court in this case used Lemon in deciding that the Bladensburg Memorial was unconstitutional, while those supporting it believed that Van Orden was more proper, in that the Memorial is passive (i.e. it's been there for 90+ years and doesn't involve someone doing anything affirmative to reinforce its meaning) and historical.

Town of Greece is another case which the Friend of the Court brief discusses:

Most recently, in Town of Greece v. Galloway, the Court reaffirmed that the practice of legislative prayer is permissible under the Establishment Clause. In doing so, the Court relied on “our history and tradition,” which demonstrate that legislative prayer can “coexist with the principles of disestablishment and religious freedom.” Significantly, even though the prayers at issue in that case had sectarian content, the Court concluded that their “religious themes provide[d] particular means to universal ends” and that they therefore could “still serve to solemnize the occasion.” Id. at 1823. The dissenters did not reject this premise; instead, they dissented on the fact-intensive grounds that the town had “failed to make reasonable efforts to include prayer givers of minority faiths.” In doing so, they were careful to acknowledge the value of overtly religious traditions.

But, as question 3 notes, even if the court thinks that neither Van Orden or City of Greece is the appropriate standard, do the actions of the state in mowing the grass and keeping the lights on result in “excessive government entanglement” under the Lemon Test?

Note again how we got here...The Memorial was privately funded, privately owned, privately erected and privately maintained for 40 years before a highway grew out of existing roads, and this monument ended up in the middle of it. The only reason the government (State of Maryland) took control of it was because it was unsafe to have people mowing it and everything else without safety precautions that necessitated the state assistance anyway.

From our petition:

Finally, the Fourth Circuit’s decision here created a new circuit split over whether a government’s expenditure of funds for routine maintenance of a passive display that includes a religious symbol, without more, can violate Lemon’s “excessive entanglement” prong. The Fourth Circuit concluded that the Commission’s “ownership and maintenance” of the Cross constituted “excessive entanglement” because “[t]he Commission has spent at least $117,000 to maintain” the Memorial over the 55-plus years it has owned it, and because, according to the panel, “the Commission is displaying the hallmark symbol of Christianity in a manner that dominates its surroundings.”

Yet the Sixth Circuit has determined that no excessive entanglement existed from a “city’s ownership and maintenance” of a public “friendship bell” that was “strongly associated with Buddhist monasteries . . . much as crosses indicate Christian churches.” Brooks v. City of Oak Ridge. And the Oregon Supreme Court has similarly held that a city’s ownership and maintenance of a “large cross” in a municipal park was “not alone sufficient to violate the test of ‘excessive government entanglement.’”

I’ve included links to the petition and the Amicus Curiae (Friend of the Court) briefs above, so you can go read it at your leisure. But I wanted to end with this from our petition which explains why this case goes FAR BEYOND just one memorial in the middle of a Maryland Highway:
The decision below flouts the “benevolent neutrality” called for by the Establishment Clause. It instead mandates a “brooding and pervasive” discrimination against “all that in any way partakes of the religious,” singling out symbols with religious significance for condemnation even when used to pursue plainly secular purposes. Not surprisingly, the Fourth Circuit’s decision directly conflicts with decisions from the Second, Fifth, and Tenth Circuits, which have recognized that, notwithstanding a cross’s obvious religious significance, a government may use a cross to reflect secular, historical events with which a cross has become associated.

Left undisturbed, the decision below will have enormous consequences. Most immediately, it will require the state government to destroy or disfigure the Memorial itself—during oral argument, the author of the panel opinion twice suggested cutting off the arms of the cross to remedy the perceived violation. But it will also render unconstitutional the two principal WWI memorials in Arlington National Cemetery, which likewise are freestanding crosses residing in the Fourth Circuit. Further, the decision casts doubt on hundreds of similar monuments using crosses to commemorate lives lost in war, and the many other ways crosses have been used to solemnize or commemorate secular events throughout our Nation’s history.

The decision below, however, is not simply a result of the Fourth Circuit’s misunderstanding of the law, but is a product of the confused state of this Court’s Establishment Clause jurisprudence. As most Justices of this Court have observed, and as the District Court here recognized, “Establishment Clause jurisprudence is a law professor’s dream, and a trial judge’s nightmare.” Indeed, the Court’s failure to provide clear standards has led to disagreement among the circuits about such basic matters as what test to apply, whether displays should be evaluated from the perspective of a passing motorist or a historically-informed observer, and whether merely owning and maintaining a display constitutes an “excessive entanglement” with religion.
Welcome to the official 2018 NAS Jax Air Show event.

The NAS Jax Air Show, Birthplace of the Blue Angels, will be October 27 - 28, 2018 aboard NAS Jacksonville. Admission, parking and the Kids Zone is FREE.

At the NAS Jax Air Show you will witness thrills like never before from a variety of military and civilian demonstrations. The grand finale will be the Navy’s flight demonstration team: The Blue Angels.

While you are at the show, enjoy military and civilian aircraft displays, shop at novelty, food and beverage booths, or head to the free Kids Zone for games and activities for all ages. While there will be 2 ATMs onsite, it is highly recommended that you bring cash with you.

Save the date! More details to come.
Visit our website: http://www.nasjaxairshow.com
Clyde E. Lassen celebrated the kick off to summer in their usual fashion......with a water fight! 500 water balloons, squirt guns and buckets of water. And a special thank you to Community Hospice for sponsoring the ice cream truck!
The Jacksonville National Cemetery
Greetings from the Support Committee at the Jacksonville National Cemetery!

The Support Committee invites everyone to attend its next scheduled meeting, on Monday Sept. 17, 2018. The meeting will be at 7:00pm. The meeting will take place at Community Hospice, 4266 Sunbeam Rd., Jacksonville, FL 32257 in Conference Room A.

Jacksonville National Cemetery Support Committee Meetings for 2018
At Community Hospice of NE FL.
4266 Sunbeam Rd, Jacksonville, FL 32257
Hadlow Bldg – Conference Room A 7:00pm

DATES OF 2018 NEXT SCJNC MEETING

- Monday, Sept 17th
- Monday, Oct 15th
- Monday, Nov 5th
- Monday, Dec 3rd

Saturday, Dec 15th - Wreaths Across America (Details TBA)

All are invited to attend our meetings and become a part of this Committee.

++++++++++++++++++2017/2018 Officers of the SCJNC+++++++++++++++++

Chairman: Steve Spickelmier
Vice Chairman: Bill Dudley, Treasurer: John Mountcastle
Assistant Treasurer: Michael Rothfeld, Secretary: Kathy Church
Chaplain: Michael Halyard, Master-At-Arms: Joe McDermott
Historian: Kathy Cayton

The Veterans Council thanks Michael Isam for posting the June Patriot Reader on his Veterans Today website.

We realize some of you did not receive it.