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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
**CV 11-04846**

GREGORY VALENTINI, ADRIAN MORARU, JANE DOE, and CHRIS ROMINE, on behalf of themselves and all those similarly situated, VIETNAM VETERANS OF AMERICA, and CAROLINA WINSTON BARRIE,

Plaintiffs,

vs.

ERIC SHINSEKI, in his official capacity, Secretary, Department of Veterans Affairs; DONNA M. BEITER, in her official capacity, Director, VA Greater Los Angeles Healthcare System,

Defendants.

CASE NO.:  
**CLASS ACTION**  
**COMPLAINT FOR INJUNCTIVE, DECLARATORY, AND MANDAMUS RELIEF**

## West L.A. Master Plan Declared Final by VA

The "Draft Master Plan" for the West Los Angeles VA property that was issued by the Greater Los Angeles Healthcare System (GLAHS) in January was announced as the "Final Master Plan" on June 21 with no change whatsoever between the draft and final versions.

Preparation of the plan was mandated by Congress in 1998. When GLAHS issued the draft plan 13 years later, it allowed a 30-day period for public comment. In the June 21 Final Notice published in the Federal Register, the VA said that it had received 29 comments on the draft master plan (DMP). "All of the comments opposed at least one portion of the DMP," the VA acknowledged. Nevertheless, no modifications at all were made to accommodate the universal opposition. The Final Notice was signed by William F. Russo, Deputy Director of the Office of Regulation Policy and Management in the Office of the General Counsel of the Department of Veterans Affairs.

Now that the plan has been finalized by the VA, it remains to be seen what action will be taken by Congress, which mandated preparation of the plan in the Veterans Programs Enforcement Act of 1998.

The VA press release issued June 21 says, in its first sentence, that the DMP "includes plans to expand the homeless program by renovating buildings on the historic campus." However,

*Continued on page 6*

The "caption" of the class action lawsuit filed June 8 by the ACLU and other lawyers, charging the West Los Angeles VA with misuse of its property and failing to provide a home for disabled homeless veterans. Coverage of the next steps in the suit and what the plaintiffs hope to achieve is on page 5 inside.

## Rosebrock Wins Free Speech Claim

In a decision that did not fully please either side of the case, the federal district court in Los Angeles issued a mixed ruling that found the West Los Angeles VA violated the free-speech rights of persons protesting land use policies, but declined to issue an injunction that would have allowed protestors to display the American flag in the upside-down "distress" position on the VA fence in the future.

Robert Rosebrock, a 69-year-old Vietnam-era veteran, and his Old Veterans Guard group have been conducting Sunday afternoon protests on the corner of Wilshire and San

Vicente Boulevards since March 2008. They object to the VA's use of West L.A. land for non-veteran-related purposes - "what [Rosebrock] perceives to be a pattern of transferring portions of the VAGLA Campus to other entities for use unrelated to the care and shelter of veterans," in the words of the court.

In June 2009, Rosebrock's group began hanging the flag on the VA fence in the

*Continued on page 6*

## NCHV Meets in Washington D.C.

The National Coalition for Homeless Veterans (NCHV) gathered for its 2011 national conference June 6 through 8 in Washington D.C., and VA Secretary Eric Shinseki addressed the group on the first day of its meeting. In the lead story of its first issue, the *Strawberry Gazette* reported on Shinseki's November 2009 pledge ("President Obama and I are personally committed to ending homelessness among veterans within the next five years"), and so the *Strawberry Bulletin* attended the NCHV conference to get a first-hand update.

In his 2009 speech, Shinseki "conservatively" estimated that 131,000 veterans lived on the streets at that time, down from 195,000 six years before. On June 6, he told the NCHV that the current number was 75,600, and he set a "next goal" of reducing the number to 60,000

*Continued on page 4*



Veterans reading the Metabolic Studio's position paper, "Preserving a Home for Veterans," which documented in detail the misuse of the West L.A. VA campus as was later alleged in *Valentini v. Shinseki*.

# Editorial

## It's Time for Congress to Act

Last month, the Department of Veterans Affairs (VA) adopted the Draft Master Plan for the 387-acre West Los Angeles campus as final, without a single change, in the face of 29 written public comments submitted in unanimous opposition to the plan.

Now that the national VA has squandered its opportunity to exercise some leadership and control over the local Greater Los Angeles Healthcare System (GLAHS), it is time for Congress – which mandated preparation of the master plan 13 years ago – to take over.

In our last issue, the *Strawberry Bulletin* reported on the decision of the federal court of appeals holding that VA delays in providing mental health care amounted to unconstitutional denials of veterans' due process, citing "egregious problems" and "unchecked incompetence" at the VA. Since then, the VA's lawyers have petitioned the court to rehear the case, arguing that the authority of Congress over the VA is so extensive as to preclude judicial interference. "The VA operates under a framework of continuous and pervasive Congressional oversight," they wrote.

In recent years, the oversight of Congress has been more myopic than either continuous or pervasive. In the court decision referred to above, the court acknowledged that its intervention in VA affairs was unusual and extreme, but said that it did so because Congress and the President "have so completely and chronically failed to respect the People's [in this case, veterans'] constitutional rights."

Congress should hold public hearings and scrutinize the VA's master plan for West L.A. for at least three reasons. First, that's its job: "continuous and pervasive oversight," according to the VA itself.

Second, the national VA's ratification of the GLAHS draft without modification is, under the circumstances, arrogance that demands Congressional response.

Finally, Congressional hearings and scrutiny of the master plan are the best way to address the issues raised in the *Valentini v. Shinseki* class action filed against the VA last month, challenging land use at West L.A. Here is an opportunity for Congress to trump the courts by asserting its "continuous and pervasive oversight."

## Strawberry Bulletin

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Edition of 2000



Hello! My name's HIPAA. They named the HIPAA laws after me! And now I'm here at the Defiant Garden watching over the plants. I make sure that information only gets out to the folks with the "Need to Know."

## Letters

To the Editor:

I would like to address the issue of wheelchair access ramps or lack thereof at the west gate, Bringham/San Vicente. During the weekends and holidays, that gate is locked and the pedestrian gate only is open. The problem is that there is no access ramp at that gate to get on or off the sidewalk. In addition, there is no ramp on the south side of the entrance for the wheelchairs to use the sidewalk on the east side of San Vicente....

It is bad enough they keep all gates closed on these days except Wilshire Blvd., unless some group wants to "use" the VA campus for an event, or if Brentwood needs the parking space for something they are doing on San Vicente Blvd. The VA administration seems more concerned with outside interests and their convenience than with the needs of the veterans who are residents of the hospital.

The access is not much of a problem during the week: the wheelchairs just exit through the driveway, dodging traffic. According to the sign when the gates are closed, they are locked for security due to terrorists! Again, this is one more example of the attitude from the administration towards the veterans and their struggles.

*p.c., veteran*

To the Editor:

Love your newspaper! But a newspaper needs bylines – Who wrote the story?!

Important information – much more personal. My thoughts.

*John Fuchs, a sailor's father*

The *Strawberry Bulletin* invites letters from readers on any subject. All letters must include the writer's name and a phone number and address through which the writer can be reached. Address

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★ YOU ARE HERE  
 + EMERGENCY

Directory of the new campus map erected at the intersection of Bonsall and Eisenhower, a portion of which is shown on page 8.

and phone number will not be published; name may be withheld upon request. Letters are subject to editing by the *Bulletin* for reasons including length or questionable expression. Views expressed in Letters to the Editor are not necessarily the views of the *Strawberry Bulletin*.

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# A Fairy Tale for Our Time

Once upon a time in a land not so very far, far away there was large estate nestled in the foothills of a small mountain range where there lived a band of brothers. The band enjoyed a camaraderie born of their shared experiences and memories from days in the service of their king.

The king had given the estate to establish, construct, and permanently maintain a home for the band, in gratitude, and out of some sense of obligation, for their service.

Many of the band lived on the estate, where they enjoyed not only the comfort of their rooms, but the sustenance and companionship of dining halls, the excitement and fellowship of the gymnasium and playing fields, the contemplation and reflection of the library and chapel, the beauty and fulfillment of orchards and gardens, the views of the sea from estate hilltops, and the entertainment of theaters. They had a hospital and clinic too. It was a Home to them.

Others of the band who had served with the residents lived in town, or in the countryside with their families, or traveled in their businesses. But they shared the estate and often visited to partake of the sustenance and companionship, the excitement and fellowship, the contemplation and reflection, beauty and fulfillment and entertainment. Medical care too. It was a Home to them as well.

The king had provided a paid staff to establish, construct, and permanently maintain the estate. Many of the band of brothers – who were, by virtue of the king's gift, the proper owners of the estate – worked with the paid staff in the orchards and gardens and libraries and dining halls, because they were helpful people and it was good to work. But no one ever forgot who were the owners and who were the help. (After all, even a

major domo is really, basically, a servant, even though the band of brothers did not treat the staff that way or call them by that name.)

Years passed.

Generations passed.

The band of brothers became a company of comrades, as gender equity came to the kingdom, and women joined men in the service... of their king. (Somehow, "band of siblings" didn't quite have the same ring to it.)

Somewhere along the way, some of the paid staff forgot who was who and formed a cabal to turn the tables on the proper owners of the estate. It is not at all clear just how it happened, but the servants managed to brand the estate owners as "patients," which then made the servants "caregivers." Whereas owners tell the staff what to do, under the new model, caregivers gave the orders to the patients.

The king was distracted, ironically, by foreign wars, and so he did not notice what was happening at the estate he had given to the company of comrades who had fought just such wars on his behalf in the past.

And since the staff-become-caregivers did not really own the estate – even though they acted as though they did – it began to fall into ruin. Consistent with the patient/caregiver model, the hospital was maintained and even enlarged. But other buildings were boarded up, the library and chapel were closed down, the theaters and playing fields were declared off-limits. Members of the company of comrades who were not good "patient" material were discouraged from coming to the estate at all.

This fairy tale is one that is, as they say of other kinds of stories, "ongoing." And so we do not know whether anyone in this story will live happily ever after. But maybe, if you click your heels together three times and repeat, "There's no place like Home"... ?



"Carmageddon," July 16-17: CalVets prepares its unused rooms to provide a weekend home for VA staff.

## Building



## Watchdog

Pete Dougherty is the Associate Executive Director of VA's Homeless Veterans Initiatives Office. "In this position he coordinates all department-wide efforts to assist homeless veterans with the nation's largest integrated homeless assistance effort," according to the program of the annual meeting of the National Coalition for Homeless Veterans, where he represented the VA at a Public Policy Forum on a panel with representatives from the Department of Housing and Urban Development (HUD), the Department of Labor, the U.S. Interagency Council on Homelessness, and the VASH program.

In his remarks, Dougherty referred to a VA strategic study on Building Utilization Review and Repurposing (BURR). During the recorded question-and-answer session, the *Strawberry Bulletin* posed the following question and received the following response, transcribed in full, word-for-word.

*Strawberry Bulletin:* "Mr. Dougherty, apropos of BURR: In 2007 VA Secretary Nicholson dedicated three buildings on the West L.A. VA property – the homeless capital of America – for housing homeless veterans. Eleven months ago, Secretary Shinseki allocated 20 million dollars to rehab one of those three buildings, Building 209. To date, the hammer hasn't hit the first nail. Is that homeless housing rehab project under Washington control? Or local West L.A. control? And when can we expect to see a hammer hit a nail?"

Mr. Dougherty: "Well, let me give you a very good answer – and for those of you who have been around the VA, both on the Hill side and in the Department side, there's two systems in the VA: there's the Department of Veterans Affairs nationally, and there's West L.A. (Laughter) West L.A. operates under a set of legislative restrictions that no other campus in America has. And when Secretary Nicholson said that, what he said was that he wanted those buildings to be used for those purposes. That has not changed; the only thing that's changed is getting those buildings into that use. That has been a tough, tough argument. It's an argument with local, state, federal sources; it's a fight with the kinds of money we have. It has not gone away. It is intended to be used for that purpose. We've done some things in support of it. It really is in many – in a very sensitive environment, it is a local decision that has to get seen and approved in Washington as well. But I can tell you that this Secretary has been engaged on that topic on numerous occasions, and his intention has not changed, and it's that those buildings should be

*Continued on page 4*

## New Management For Golf Course

The Heroes Golf Course at the north end of the West Los Angeles VA campus is under new management for the second time in six months. The Bandini Foundation, directed by partners Ricardo Bandini Johnson and Scott Morey, has been managing day-to-day operations at the course since June 20.

After being closed to general use by both veterans and the public for nearly two years, the course quietly opened last November under the management of United States Veterans Initiative (U.S. Vets), a nonprofit that operates the Westside Residence Hall in Inglewood and the Villages at Cabrillo in Long Beach as part of a national program with 2,100 beds for vets in 10 locations. (*Strawberry Bulletin*, April 2011)

U.S. Vets issued a June 17 press release stating that it "chose to partner with the Bandini Foundation." "With the support and management expertise of the Bandini Foundation, U.S. Vets hopes to improve the running of the golf course and to restore the grounds to better meet the needs of veterans and visitors. Both partners are invested in creating a leading facility for veteran therapy, rehabilitation, job training, and education."

Since June 20, the golf course telephone has been answered "Bandini Heroes Golf Course," and Johnson and Morey have replaced U.S. Vets General Manager Jon Levitt in the Quonset hut "clubhouse" at the course.

The Bandini Foundation was founded in 2008 for the purpose of improving the West Los Angeles VA campus and for the betterment of the local veteran community.

Ricardo Bandini Johnson, who is a grandnephew of Arcadia Bandini de Baker, one of the donors of the VA property, said, "In my family there is a history of honoring those who have bravely served our country. We want to make sure that we are true to our heritage. This is just the beginning of many improvements to the entire Greater Los Angeles veterans facility."

"We wanted to be sure that we brought in a partner who has the expertise to make the Heroes Golf Course successful but who also has an understanding of the history of this course and what it means to the veterans who play on it," said U.S.Vets President and CEO Steve Peck.

Stan Dawson, a veteran and regular golfer at the course, said two weeks after the changeover that he gave the Bandini management "high marks" for the job they were doing and praised the sentiment of their leadership as "a breath of fresh air" at the course.

The nine-hole, par 27 course is open to the public based on a priority system in which VA in-patients and VA residents have first priority, with second priority given to veterans followed by public access to the course.



## NCHV Meeting Puts Housing First

*Continued from page 1*

by June 2012. In what Shinseki called the "drive to zero," the VA has just "three and a half years," he said, encouraging VA staff not to round up to four years.

Going beyond the numbers, the Secretary said he was working to take the VA from a position of simply having a "community presence" to a position of providing "community leadership." This was perhaps a natural progression from Shinseki's 2009 call for "not only leveraging the full range of VA benefits," but also "expanding our collaboration with our public and private partners," including other federal agencies, state and local governments, veterans service organizations, nonprofit service providers, and community groups.

The National Coalition for Homeless Veterans is an organization of just those partners – nonprofit service providers and community groups that receive funding from the VA, with other government agencies in attendance, from the Departments of Housing and Urban Development (HUD) and Labor to the U.S. Interagency Council on Homelessness and local agencies.

The 15th annual NCHV conference was, in a very real way, a trade show for the homeless services industry – it *is* an industry, and a big one. The nonprofits gathered to find out in what directions the VA and other funding sources were looking to fashion their budgets for the future. How could the nonprofits design their programs so that they would be favorably received – so that they would qualify for the most funding?

This was the first NCHV conference we had attended, but we were told by knowledgeable sources that what had started out 21 years ago as a small, collaborative, information-sharing gathering had now grown into a much more

competitive and guarded convention in which Coalition members were competing with each other for a limited pool of funding dollars in a zero-sum game.

The overriding message that the service providers heard from the VA and other funding sources was that the money was flowing toward the "housing first" model, whereby the most vulnerable homeless persons on the street are put directly into permanent housing with simultaneous supportive services (case management, employment assistance, and such), rather than moving them along a continuum of care from shelters, through transitional housing, and only then to permanent housing.

For example, Barbara Poppe, Executive Director of the U.S. Interagency Council on Homelessness (sometimes called the federal "Homeless Czar") told the Coalition on the first day of the conference: "We must adopt 'housing first' as a 'best practice' in our communities. It is the only way to end homelessness." From a cost-effectiveness point of view, "there is no better practice," she said.

Although Vince Kane, who directs the National Center on Homelessness Among Veterans and the VASH program, told the Public Policy Forum that "rumors of the demise of grant per diem [transitional housing] are premature," the primacy of "housing first" permeated the conference. Toni Reinis, Executive Director of New Directions, told us that all their new initiatives would follow that model.

## Building 209

*Continued from page 3*

used for that purpose.

"I can't give you anything more than that because I can't tell you anything more than that. I can't tell you how soon the nail is going to be driven, but there was attempts made before to do it under a sharing agreement, but it couldn't be done under sharing agreements; it has to have enhanced use lease kind of authority. VA has come forward and said, 'We will make a lot of the repairs necessary to the building to make them fit and habitable' – they're not fit and habitable – you couldn't put homeless veterans or anybody else living in those houses without the repair to start with."

*Strawberry Bulletin:* "Not for an extended time. I lived in one of those buildings when it was a cold weather shelter and I was homeless."

Mr. Dougherty: "I understand. But there's a different standard of temporary and permanent housing. We're not going to put people into a permanent housing place until the building is fit for that kind of housing."

"I can't tell you anything more. I can tell you a little on the side, but I can't tell you any more at this point."

When he was approached on the side after the forum had ended, Dougherty said he had to run to an engagement and could not stay to talk.



## Valentini v. Shenseki

# What Happens Next in the Case?

A class action lawsuit filed June 8 by the ACLU of Southern California and other lawyers on behalf of disabled homeless veterans in the Los Angeles area claims that the U.S. Department of Veterans Affairs (VA) has misused its West Los Angeles campus, which was donated by private owners in 1888 to provide permanent housing for veterans.

The complaint accuses the VA of breaching its fiduciary duty by leasing much of the property to private entities instead of using it to provide housing for veterans, particularly for disabled homeless veterans. The suit seeks a court injunction to force the VA to use the property for the housing and care of wounded veterans.

This lawsuit could take years to play out in court, although the case could be settled out of court if an agreement is reached among the parties, who include VA Secretary Eric Shinseki and the Director of the VA Greater Los Angeles Healthcare System, Donna Beiter, the defendants in this case. Because it was filed in federal court, what happens next in the lawsuit is governed by the Federal Rules of Civil Procedure.

These rules are very important because they dictate the timing and progression of the lawsuit, and the failure to comply with these rules may result in serious limitations upon the ability to present claims or defenses at any subsequent trial, or even dismissal of the lawsuit.

Under these rules, the next step in the lawsuit is for the VA to respond to the complaint. This is done by the VA filing an “answer” to the complaint within 60 days (unless an extension is granted by the court), stating its defenses to the plaintiffs’ claims set forth in the complaint. The VA can also raise jurisdictional, standing, and other defenses in a motion in an attempt to have the case dismissed, which could include asserting that the case doesn’t qualify for class action status.

Next, in the early stages of the lawsuit, and long before any trial that may eventually occur, the process of “discovery” then takes place. This process involves a structured exchange of evidence and statements among the parties to the lawsuit. Discovery is meant to eliminate any surprises to the parties and to clarify the factual and legal issues involved in the case.

During the discovery period, the parties may also engage in what is known as “pretrial motion practice” in order to exclude or include particular legal or factual issues before trial. Generally, the timelines for discovery and trial are addressed in the initial status conference before the judge assigned to the case, which must occur within 180 days of filing the complaint (by about December 8).

It is therefore difficult at this time to give any reliable estimate on discovery timelines or trial date. Although the vast majority of lawsuits are settled and never reach trial, they are very complicated and time-consuming to litigate, and the case against the VA will likely be no exception. If this case ultimately proceeds to trial, resolution could take years.



## Valentini v. Shenseki

# What Do Plaintiffs Want to Achieve?

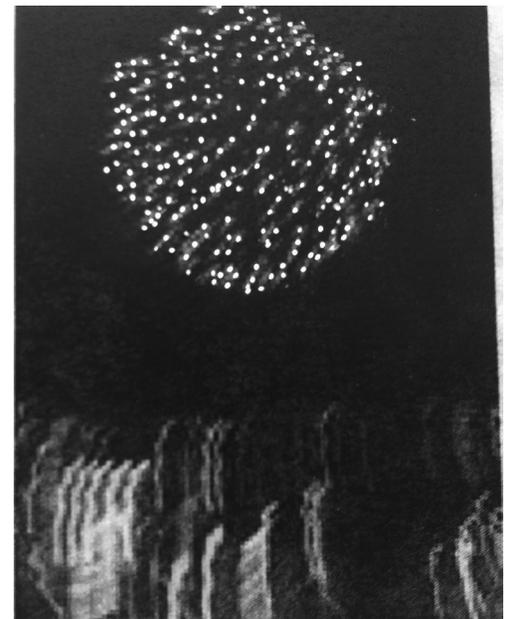
The official “prayer for relief” that concludes the complaint in the class action lawsuit filed against the VA on June 8 asks the court (A) to enter an injunction:

1. Directing the VA to provide “permanent supportive housing ... so [veterans] can reasonably access the ... benefits for which they are eligible”;
  2. Prohibiting the VA from using the West L.A. campus “for any purpose that is not directly related to providing a home for disabled veterans”; and,
  3. Requiring “an accounting of all money received by [the VA] as a result of land use agreements”;
- and (B) to legally declare that the 1888 deed “created a charitable trust” and that the VA has “breached and continue[s] to breach their fiduciary duties as trustees of the charitable trust” by using the campus “for purposes that are not directly related to providing a home for disabled veterans.”

But stripped of the legalese, what do the plaintiffs hope to accomplish?

John Rowan, National President of Vietnam Veterans of America, one of the plaintiffs in the suit, reviewed the plight of homeless veterans and what he called the “unethical and blatantly illegal” use of the West Los Angeles campus by the VA. “Under four presidential administrations, [the] VA has abdicated its responsibility to veterans in the Los Angeles community.” He concluded, “It is our hope that this litigation will lead to a solution that serves the needs of the veterans for which this land was intended.”

Carolina Winston Barrie, grandniece of 1888 donor Arcadia Bandini de Baker and a plaintiff in the suit, told the *Strawberry Bulletin*

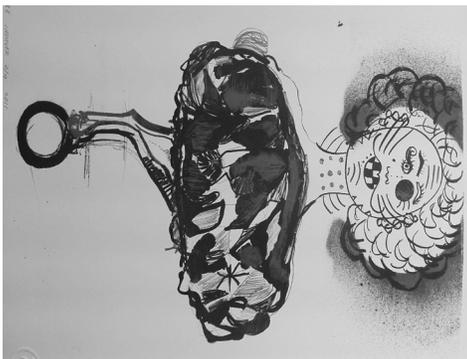


that she quite simply wants to make the VA carry out the terms of the deed – to use the property as a home for veterans and nothing else.

The lawyers for the plaintiffs have said that the real purpose of the suit is to do just what the prayer for relief in the complaint asks. As stated by the ACLU’s Mark Rosenbaum: “to provide these veterans the permanent supportive housing they must have to access the medical and psychiatric services to which they are lawfully entitled and without which they stand no hope of a life of dignity and normalcy.”

UCLA law professor Gary Blasi, another of plaintiffs’ lawyers, spoke in terms of making the VA follow the “housing first” model with veterans, which he described as “access to stable housing without preconditions, with some security and privacy, without an expiration date, and with some support services on site.”

As to the possibility of a shorter-term benefit from the lawsuit, Harvard law professor Laurence Tribe, another of plaintiffs’ lawyers, was interviewed by Charlie Rose on *Current Affairs* on July 11. Speaking of the background of the suit, he said, “It was clear that talk was cheap; the Veterans Administration kept recycling these wonderful announcements about what it was going to do for the homeless vets and nothing happened.” Rose said, “You would think that once you filed that suit they would say, ‘You have our attention now; what do we do?’” Tribe: “Well I think that’s going to happen. I can’t say exactly when, but they’re not going to be able to keep this under the rug much longer. Because, although the suit was filed a month ago, and there hasn’t been much movement yet – I’m a little too old to think these things happen overnight.”



## Rosebrock Wins Speech Claim

Continued from page 1

distress position after having hung it there in the traditional position for more than a year. Local VA officials objected, at one point physically removing the flag, and issued six citations to Rosebrock, all of which were dismissed by federal prosecutors before they came to trial.

Rosebrock, represented by the American Civil Liberties Union of Southern California (ACLU/SC), sued VA GLAHS Director Donna Beiter and Police Chief Ronald Mathis, claiming their actions constituted viewpoint discrimination in violation of his free speech rights under the First Amendment and seeking an injunction requiring the VA to allow him to hang the flag on the fence to express distress as it had allowed him to hang it there to express patriotism.

In a May 26 decision, U.S. District Judge James Otero found that the VA fence was not a “public forum” and that the government could therefore “restrict access based on subject matter and speaker identity so long as the distinctions drawn are reasonable in light of the purpose served by the forum and are viewpoint neutral.”

The court held that the VA’s selective enforcement of a regulation prohibiting the hanging of any flags or banners from the fence was not viewpoint neutral and amounted to “unconstitutional viewpoint discrimination.” “Defendants’ selective enforcement was ‘an effort to suppress the [Plaintiff]’s activity due to disagreement with ... [his] view,’ not because of an evenhanded exclusion of a subject matter,” said the court.

But the court went on to say that the VA could close its perimeter fence to all forms of speech in the future and thereby moot Rosebrock’s request for an injunction requiring the VA to allow him to hang his message of dire distress. The court noted that Rosebrock and his cohorts could themselves hold the flag in the distress position on the sidewalk outside the fence “for all the world to witness,” and thereby express their point of view.

As the *Bulletin* goes to press, the time for either party to appeal the district court decision has not yet expired.

“Hanging the flag upside down was an important and necessary message for Mr. Rosebrock,” said Peter Eliasberg, ACLU/SC legal director. “He fought to defend the First Amendment, and the Court decided correctly that the very right he fought for was violated.”

Rosebrock’s reaction was more blunt: “Donna Beiter and Ronald Mathis need to either resign posthaste, or Secretary Shinseki needs to fire them or himself resign. Having two federal criminals running the largest VA in the nation is simply disgraceful, particularly in light of all the land corruption that has taken place.”

## Master Plan Declared Final

Continued from page 1

the actual Federal Register Notice correctly describes the plan: “The DMP states that Buildings 205, 208, and 209 have been *identified* for *potential* renovation, to serve as housing for homeless veterans. As stated in the DMP, VA ‘... *does not commit* to any specific project, construction schedule, or funding priority.’ As projects are *further evaluated* and authorized, both the needs of the veterans and the historical and environmental impacts of the projects *will be considered*.” (Emphasis supplied.)

GLAHS Director Donna Beiter said, “This Master Plan builds on the VA’s progress to end Veteran homelessness and ensures that land use at West Los Angeles will continue to put the needs of Veterans first – now and in the future.”

Attorneys for the plaintiffs in the *Valentini v. Shinseki* class action suit filed June 8 challenging land use at the West L.A. campus said, “The new release and finalized Master Plan, while constituting a frank acknowledgement of the core claims of our case that the VA is doing nothing to relieve homelessness of severely mentally disabled homeless veterans, makes no commitment to adding permanent supportive housing on the campus, despite the availability and underutilization of existing buildings that could be readily converted to permanent supportive housing ...”

The 29 objections to the draft master plan filed during the 30-day comment period were submitted by veterans, veterans organizations, neighboring residents, descendants of a grantor of the land, and the Metabolic Studio. They cited the vagueness of the plan, its announced intention of continuing to lease land for non-veteran-related uses, and its failure to address any aspect of a veterans “home” other than hospital functions. (See *Strawberry Bulletin*, March 2011)

In response to the argument advanced in the Metabolic Studio’s position paper, “Preserving



a Home for Veterans,” and echoed in both objections filed during the comment period and in the June 8 class action lawsuit, the VA’s Final Notice said, “VA disagrees with the assertion that the 1888 deed rendered VA a charitable trustee for the WLA campus.” Calling the deed restrictions “merely an expression of purpose and intent of the donation,” the VA argued that such expression “has been satisfied” as soon as the National Home was built.

The Draft Master Plan now finalized also includes “other projects under consideration,” said the VA, “as funds become available,” which include: “constructing a new inpatient tower (clinical expansion), centralizing research activities and locating them adjacent to the clinical area, expanding the Los Angeles National Cemetery onto the WLA campus and collocating [sic] the VA regional office onto WLA grounds, offering Veterans comprehensive services in one location.”



Here, the digital degeneration suggests malevolence.

Transit Review

# Metro TV Project Is "EPIK"

I took Metro Bus 20 from downtown Los Angeles to the West Los Angeles VA. It was a flawless spring Saturday. I took a moment to explore the subway stop at Wilshire and Western. A man was power-spraying the concrete plaza near the bus stop, which made a lot of noise. Leaving there, I went underground to check out the train situation.

The trains went a few places, but not many. There was not much to look at down on the platform. Back at street level, I waited twenty minutes for the next bus to come. I escaped the high-powered water hosing by buying a sugar-free iced mocha at Starbucks.

I had finished most of my iced mocha when I had to run to catch the 20. The driver pointed across Western to the place the bus would stop. The bus driver was uninterested in picking up the pleading passengers where they waited. After all of that, the bus I boarded did not have any TV monitors. I was riding the bus specifically to experience Metro TV!

Echo Park Film Center's Lisa Marr and Paolo Davanzo have developed programming for Metro TV's *Out of the Window* project; they also worked with the Metabolic Studio on *Strawberry Flag*. We were well aware that the "real" front door of the West L.A. VA is the bus stop on Wilshire, where the 20 rolls in on its route westbound from Pershing Square. So Metro TV has an audience of homeless vets, no doubt.

My fellow riders that day seemed uninterested in the Metro TV offerings. I rode three different buses, but only on one ride did the bus have both monitor screens and a working disc player. The screens had been tagged with sharp objects. The screen I was watching had the word "EPIK" scratched into it. It was also the middle of the afternoon, and the light in the bus washed out the images.

Echo Park Film Center's *The Sound We See* is as poetic as the title suggests. Having had

the pleasure of hearing and seeing the work in the privacy of my home, I can only applaud it and separate it out from the rest of the *Out of the Window* programming. *The Sound We See* is a filmic necklace of black-and-white gems shot by youth working with Echo Park Film Center. It covers a 24-hour span of time in the city. The youth at work portray the spirit of adventure in the City of Los Angeles.

This could be a good place to connect with the concept of Metro TV. If it could be produced to convince bus riders that they are actually on an adventure by sitting on the bus, maybe that could reframe the bus-riding experience. My experience wasn't a lot of fun. I am left with the graphic "EPIK" to sum up my journey.



## Pages of History

### "Our Ellen" Wows the Soldiers Home

In looking at the vast history of the West Los Angeles veterans home, it is interesting to note the talented individuals who have come to the campus to entertain. Perhaps the most famous entertainer of her time to perform on the property was Ellen Beach Yaw – first in 1894 when she was 25 years old, and then several times throughout the early 20th century, when she had established a world famous reputation for her amazing voice.

An American opera singer from New York, she was known as a 'coloratura soprano' and could sing very high notes and trill her voice. Ellen had many nicknames, including the "California Nightingale," the "Human Violin," and "Lark Ellen." But at the West Los Angeles Soldiers' Home on May 15, 1907, the soldiers were so moved by her performance that Yaw became known as "Our Ellen."

The veterans weren't the only ones who were impressed. In 1899 Sir Arthur Sullivan composed a piece for her voice and cast her in his comic opera *The Rose of Persia*, which opened at the London's Savoy Theatre in the same year. A celebrated artist, Yaw was invited to perform for Thomas Edison for his new recording device, the phonograph. Edison said of her voice: "I can see no defects of any kind in this voice. Sweet on lower notes, and mellow. Best high tones yet for the disc machine."

Yaw retired to Covina in 1917 where she eventually died thirty years later. Lark Ellen Elementary School in West Covina is named after her.

Contemporary audiences may hear her sing "Air du Rossignol" from a 1907 performance at <http://youtu.be/2xvu9Q0J3z4> and "Swiss Echo Song" from the same year on the Library of Congress' website at <http://www.loc.gov/jukebox/artists/detail/id/1065>.



## Our Town

*Continued from page 8*

**June:** Steve Rowell, Sonic Boom specialist, is in discussion with the Metabolic Studio on a "Strawberry Flag score" to activate our sound archive.

**June:** Creative Time, New York, requests images of *Strawberry Flag* for inclusion in a web profile of socially and politically active artworks.

**June:** Elizabeth Perikli completes her Metabolic Studio internship for her coursework at Antioch University. She worked closely with veterans researching issues surrounding veteran homelessness and the Deed of 1888 and was a contributor to the *Strawberry Bulletin*.

**June:** New Directions decides to visit the Garden of Defiance on Wednesdays.

**June:** Rumi, Lauren Bon's dog and spiritual guide, turns 10 years old.

**June (and May, July, etc.):** The Japanese Garden remains padlocked.

**June (and May, July, etc.):** The Veterans Park Conservancy Rose Garden remains padlocked.

**July:** Senator Dianne Feinstein (D-Calif.) announces that legislation to spend \$35.5 million to address a severe shortage of housing options for homeless veterans in Los Angeles has passed committee and will advance to the full Senate.

**July:** The Duke and Duchess of Cambridge, William and Kate, attend the "Hiring Our Heroes" job fair for homeless vets at Sony Studios in Culver City.

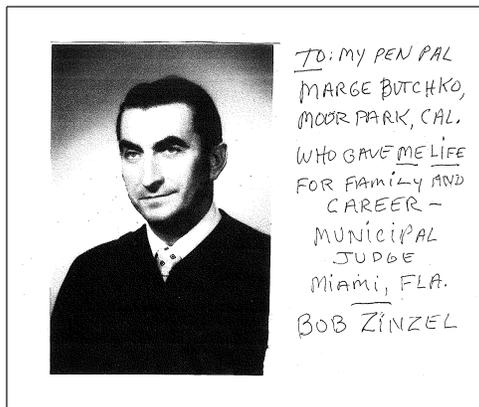
**July:** The Metabolic Studio wins the Sweepstakes Prize in Independence, California for its 4th of July float, The Twain. Curtis Bailey and Larry Flaherty fish the Eastern Sierras. And Theo Owen Driggs, three years old, writes his name for the first time in Lone Pine. (Theo has been our youngest regular participant at *Strawberry Flag*.)

**July:** Defiant Gardener Andrew Douglas celebrates his birthday.

**July:** CalVets welcomes new Activity Coordinator Teri Fukushima.

RE: MARGE BUTCHKO FINAL CLOSURE  
APPRECIATELY AND ETERNALLY  
REMEMBERED:

"FLOWERS FOR MARGE BUTCHKO"



# Our Town



The National Soldiers Home held in trust as a home for veterans in perpetuity is currently managed by the Department of Veterans Affairs, the second largest cabinet department in the United States, smaller only than the Department of Defense. The West Los Angeles property is the most valuable real estate in the VA network, one which regards its health care responsibilities as its main, even sole, function. The Strawberry Bulletin is communicating to the constituents for whom the property is a home not a hospital. The passages listed here occur in the lives of some of the citizens of this place we claim as Our Town.

**May, 2011:** Kelli Quinones, Strawberry Flag team, is now working at the Studio for Southern California History.

**May:** Kevin West, writer and jamming whiz kid, visits with Defiant Gardener Andrew Douglas.

**May:** 5K fundraiser for New Directions on Memorial Day draws over 250 participants.

**May:** Metabolic Studio awards a grant to Imagination Workshop to resume its nearly 15 years of work teaching theatre and developing original pieces with veterans on the West L.A. VA campus. It will be offering free theater workshops to veterans from the Haven, New Directions, and the Veterans Home of California this summer to create and perform an original piece this fall.

**June:** Metabolic Studio team members Bridget Kelly and Terence Lyons attend the annual conference hosted by the National Coalition for Homeless Veterans in Washington, D.C.

**June:** L.A. Times reporter Martha Groves's photographer gets escorted off the campus by VA police officers; she later gets a phone call of apology.

**June:** Dreamer, in disguise, gives Martha Groves and videographer a tour of homeless West L.A.

**June:** Super-flag hoisted in the center of L.A. DWP's rehydration project at Owens Dry Lake Bed in honor of Flag Day.

**June:** A giant Alaskan Malamute and German Shepherd mix, visits residents at CalVets with volunteer handlers from Love on 4 Paws.

**June:** Bobby Shelton, master gardener, rejoins the Metabolic Studio team. Currently he is assisting Andrew Douglas at the Garden of Defiance.

**June:** Jaime Lopez, Metabolic Studio agriculturalist, visits Copenhagen where the stripes of Strawberry Flag will be reconfigured as part of an alternative art fair in September.

**June:** Brewsie and Willie, written by Gertrude Stein, is performed as part of Radar L.A. Festival. This play is based on New Yorker letters Ms. Stein wrote about GI's she met in Paris during WWI.

**June:** Zeke Contreras, currently receiving treatment at the VA hospital, comes to the Garden of Defiance. Born in Chavez Ravine before it was Dodger Stadium, he often flies his hand-made kites in the Cornfield.

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## Media Review

# "I Just Get Furious About It"

On June 27, the CBS Evening News reported on the VA's failure to provide for homeless veterans despite the fact that the West Los Angeles VA sits on land given "expressly to provide housing for disabled veterans." Said anchor Scott Pelley: "We were shocked."

The three-minute news segment reported on the *Valentini v. Shinseki* lawsuit filed June 8 by the ACLU and other lawyers, which seeks to "force the VA to rehab this facility to house two to three hundred vets with PTSD." It then revealed that the current master plan for the property "has no timetable and no budget, which likely means no help anytime soon."

These were welcome meaty revelations, but the sauce they came in was somewhat less digestible. For it was flavored by two related problems: the media's avoidance of analysis in favor of easy emotionalism, and its positioning of veterans as the subject of pity and/or fear.

Freddy Cordova returned from four Iraq tours "very angry, very ill-tempered, very short-tempered" we were told, but "he keeps his rage under control...by helping vets with even worse PTSD." While the report failed to mention that the National Veterans Foundation employs Cordova as an outreach worker, it did make sure to tell us that the failure to address veteran homelessness "makes Cordova angry again."

For Luis Gonzalez - the only other veteran who spoke in the report - Vietnam "was easier than the streets." "In the military there's survival, you've gotta kill to survive." Then, eyes devastatingly sad, voice trailing, he let us

know: "But out here it's hard."

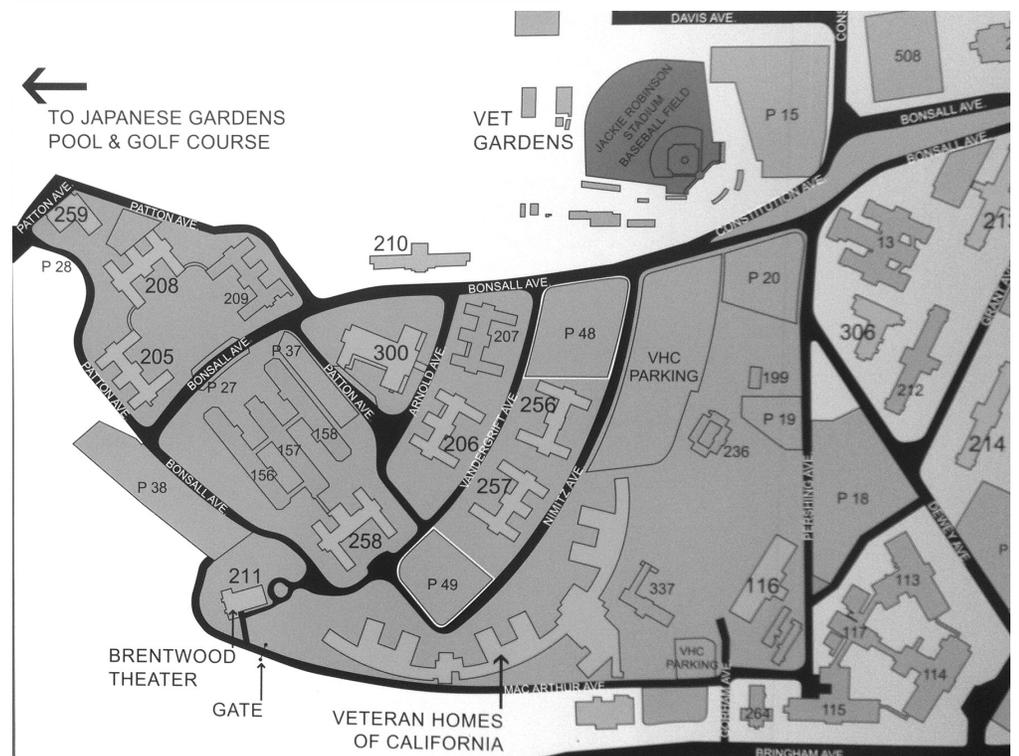
Was it a conscious decision to suggest that these men are domestic land mines? Or, as a fish cannot see the water in which it swims, were the TV journalists blind to their veteran-phobia?

Surely they consciously edited Santa Monica City Councilmember Bobby Shriver? Almost 50 percent of his screen time was taken up by emotional rather than factual or analytical statements. "I just get furious about it," "it's un-American," "I think it's terrible," he said, making not a whisper about the VA's clear legal duty, established by an 1888 land deed, to provide a veterans home on the West L.A. land.

"For seven years he's been pressing the VA to spend money for homeless traumatized vets," CBS told us, and it's a laudable effort. But how about letting us know something of Shriver's interest in removing homeless veterans from his voters' streets? Not to demonize the man, but to reveal the degree to which homeless veterans are a potent political football often kicked between competing agendas.

The news media is not good at complexity - we know that - but by dissolving society's ethical and legal obligations in an emotional bath, it lets us all wallow, wring our hands, and then, when a more pitiful tale is told, walk away. Again.

Don't get furious, get informed about the compound arguments and then go out and make them - clearly, cogently, and with conviction. Keep some feet to the fire. We're not usually an advocate of even metaphorical torture, but the West L.A. VA's history of avoidance - thirteen years to write a federally mandated master plan is but an example - suggests that it's needed.



Look, the VA has a pool now!