



THE FORWARD OBSERVER

THE NATIONAL NEWSLETTER OF AMERICAN VETERANS FOR EQUAL RIGHTS, INC.
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Denver skyline around midnight from I-25 and Speer Blvd.

Photo by Matt Wright



Los Angeles Chapter



Denver - Rocky Mountain Chapter



Chicago Chapter



New York Chapter

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FROM THE

PRESIDENT'S CORNER

Dear Fellow Vets, Service Members & Allies.

VA Commitment to Minority Vets: Why Not Us?

The United States Department of Veterans Affairs, the "VA", maintains a Center for Minority Veterans (CMV), which employs Minority Veterans Program Coordinators (MVPC) and Minority Veterans Liaisons at both the national and local level to coordinate outreach for designated veteran minority groups. According to the CMV's website, their "vision" states "dignity and an acceptable quality of life are the products we seek to deliver to ALL [their emphasis] veterans no matter what their circumstance." In addition, the CMV's "outreach" section includes "CMV is charged with identifying barriers to service and health care access, as well as increasing local awareness of minority veteran related issues by developing strategies for improving minority participation in existing VA benefit programs," and "supporting and initiating activities that educate and sensitize internal staff to the unique needs of minority veterans."

According to the CMV's site, Public Law 103-446, sec 510, November 2, 1994, created an Advisory Committee on Minority Veterans which would consist of, among others, "representatives of veterans who are minority group members." The committee reports directly to the Secretary of Veterans Affairs, and the law mandates that the Secretary will prepare an annual report to Congress that will include "an assessment of the needs of veterans who are minority group members with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department." Currently the term "minority group member" is specifically defined as "Asian Americans, Black, Hispanic, Native Americans (including American Indian, Alaska Native, and Native Hawaiian) or Pacific-Islander American." The Center's Vision Statement says the CMV will "ensure all veterans receive equal service regardless of race, origin, religion, or gender", even though these characteristics are clearly not covered in the "minority group member" classification. In a section entitled "Who We Serve", the CMV further states "first and foremost our staff is dedicated to serving all veterans regardless of race or ethnicity." Again, this is a statement well beyond the designated "minority group member" classification.

Why would the VA create and maintain the Center for Minority Veterans? Without saying as much, clearly there have been problems with "minority" veterans receiving benefits from the VA. These problems could include distrust, lack of access to information, regional isolation, or prejudice against these groups by employees of the VA. The CMV has also been successful in identifying opportunities for non-traditional approaches to minority veteran healthcare, such as the use of Native American "mind-body-spirit" healing practices (meditation, fire ceremonies, drumming sessions and sweat-lodge purification ceremonies), building relationships with Native Tribal Health Organizations, identifying minority "at-risk" groups for drug and alcohol abuse, ensuring that VA staff reflect the diversity of the populations they serve, mandating local town hall meetings to listen to the needs of minority veterans, and the development of diversity and inclusion strategic plans at the highest levels of the VA. Reading between the lines, there are a host of reasons why the CMV was created to ensure that minority veterans receive full access, sensitivity, respect, and outreach. The Center's website states "we acknowledge the diversity of our veterans and profoundly value the strength and unique character this diversity has contributed to our great Nation." Why then, a lack of the obvious? Why does the CMV not have an official Minority Veterans Liaison for the group that has been and continues to be the most disenfranchised and ostracized group in the history of the US military: LGBT veterans?



In June, 2009, out of the blue, I received an invitation as AVER Regional VP to attend the 10th Biennial Minority Veterans Program Coordinators conference in Atlanta. I was invited to attend the conference by Dwayne E. Campbell, at the time the Veterans Outreach Coordinator for the Centers for Medicare and Medicaid Services, and now the CMV's Veteran Liaison for Hispanic American veterans. I still don't know how Mr. Campbell knew about AVER, but his invitation was an important recognition that the VA was preparing to reach out to LGBT veterans before the DADT ban was repealed. The conference included MVPCs from all over the nation, as well as representatives from numerous Veterans Service Organizations. I attended a group discussion that included national staff from the CMV. When I introduced myself and explained AVER's mission I received a large applause from the attendees. In attendance was Lucretia McClenney, then Director of the CMV. I asked her how a minority group became one of the official groups recognized by the CMV. The Director responded that "it would take an act of Congress." Literally.

Two years ago I wrote an article following my attendance at a meeting of the Pentagon's DADT Repeal Implementation Team concerning the DOD's strategy not to include LGB service members as a "protected class" in the Military Equal Opportunity (MEO) Program. For a number of reasons the DOD felt that gay, lesbian, and bisexual service members did not need the protection of the MEO, which "seeks to eliminate unlawful discrimination and sexual harassment against military members, family members, and retirees based on race, color, sex, national origin, or religion." While this decision by the DOD has its own dire consequences on the ability of active duty LGB service members to seek protection against discrimination, it also affects the VA. At the Repeal meeting a representative of the VA clearly stated that the VA "would be following the DOD's lead" on this issue. In other words, there is no "minority" designation for LGB veterans by the VA. And certainly not for Transgender service members, who still cannot serve openly in the US military. The Coast Guard, which is under the Department of Homeland Security and not the DOD, does include LGB service members as a designated class in its non-discrimination and minority protection policies.

The VA is working to develop outreach to LGBT vets. Patient Care Services, which oversees clinical programs that support and improve Veterans' health care, now, includes two part-time Lesbian, Gay, Bisexual, and Transgender (LGBT) Program Coordinators. These LGBT Program Coordinators lead clinical training efforts on LGBT health care, respond to queries from the field of VA providers on LGBT clinical issues, and advise Patient Care Services on policies and procedures relevant to VHA in providing high quality and culturally-competent clinical care to LGBT Veterans. The LGBT Program Coordinators also work with other VA Offices such as Health Equity and the Employee Education System. Patient Care Services is not associated with the Center for Minority Veterans, and does not perform outreach to LGBT prior service members within the veteran community outside the VA. The Atlanta VA Medical Center has designated two individuals as LGBT/A [Allies] Special Emphasis Program Co-Managers, but neither of these individuals is devoted full time to the support of LGBT vets.

Is there a need within the VA to designate direct support services to LGBT veterans? Absolutely. Many veterans who were discharged prior to DADT for any reason related to "homosexuality" were usually given a Less Than Honorable (LTH) discharge. Most discharges under DADT were Honorable, but in some cases if the discharge involved "conduct" the service member may have received a Less Than Honorable discharge. These discharges prevent veterans from accessing VA healthcare services. LTH discharges involving LGBT service members can now be upgraded to allow access to the VA, but this process can be lengthy and expensive. The Discharge Review Boards that are responsible for this action are part of the DOD, and not the VA, but the VA could certainly be active in helping vets get their discharges upgraded and could begin offering services to vets while the upgrade is in process.

Other services that the VA could target to LGBT veterans include HIV prevention, hormone and counseling therapy, and treatment for the highly documented "double PTSD" experienced by many LGBT vets as a result of the tremendous stress of maintaining a false identity while serving in the military. Further town hall sessions and research could define additional issues specific to LGBT prior service members that the VA could begin to address in a more dedicated effort.



In short, there is a strong need and clear precedent for adding an LGBT outreach to the VA's CMV program. (As a personal note, it would also seem advisable that women should be added to the program, especially now that women are allowed to serve in ground combat roles, and sexual assault continues to be a serious problem throughout the military.) A Veterans Service Organization such as AVER can go a long way in helping LGBT veterans secure services from the VA, especially if we are able to tap into grant funds that can allow us the resources to assist our vets in overcoming the obstacles that prevent us from getting the full healthcare services we have earned. AVER is currently in the early process to secure such funding, and assistance in writing grant proposals will be extremely useful to helping us help our veterans fully access the VA. But we can't go it alone. AVER calls upon Congress to designate LGBT veterans as a recognized minority group so that the CMV can help our vets overcome the long-standing barriers that prevent prior service members from leading full, healthy lives by accessing the VA care we deserve.

Faithfully,

Danny Ingram



Admiral Mullen and AVER President Danny Ingram

Rocky Mountain Chapter to Host 2013 AVER National Convention

AVER is proud to announce that the National Convention will be held in Denver, CO. There is more information later in this issue of the forward observer.



AVER Rocky Mountain Chapter Color Guard

FROM THE EDITOR'S DESK

2012 Was a Great Year for AVER

Denver, Colorado Rocky Mountain Chapter was chosen as the site for AVER's National Convention

We all have fond memories of Denver. This will be the third time in the last 21 years that the great city of Denver, Colorado will host the National Convention. We were there 1998 and again in 2001. Both conventions were outstanding with a stellar lineup of participants who were instrumental in overturning the Don't Ask, Don't Tell policy. I feel obligated to mention just a few names - John Kelly, USAF, Denver Chapter who organized the conventions, Bud Robbins, USN, Alexander Hamilton Post of the American Legion (deceased), Chief Donovan, USN (ret) and former President of GLBVA, Mel Tips, President, Palm Springs Chapter, Patricia Nell Warren, lifelong supporter of LGBT veterans and author of many novels, including *The Front Runner*, Lt. Nancy Russell, USA, San Antonio, former President of GLBVA, Michelle Benecke, SLDN, Sgt Max Woerner, USA, playwright, Guerneville, CA (deceased), Sam Gallegos, USAF, President, Denver Chapter, Dr. Aaron Belkin, founder and Director of the Center for the Study of Sexual Minorities (CSSMM) at the University of Southern California, Santa Barbara, and too many others to list here. We do thank them and remember them for their contributions to end discrimination.

In those days, the final task for the Convention was for the new officers to send off a letter to all 534 members of Congress and most Washington, DC elected officials, including the President, Vice-President and the Secretary of Defense requesting that they end the ban against open service for LGBT personnel. At those two conventions it was called The Denver Declaration. We considered it another nail in the coffin to end the DADT policy.

And let's not forget our history. Those were very difficult times for LGBT veterans. In 1998 1,163 servicemembers were kicked out of the military, and in 2001 1,273 were kicked out. Perhaps someday there will be an apology and compensation for these injustices. Don't hold your breath.

Save the date - AVER National Convention - September 19 - 22, 2013 - Denver, Colorado. Preliminary information at this time includes the following. The Renaissance Hotel - \$105 a night. Registration - \$175 before August 15.

Thank You For Continuing to Serve Your Country

Jim Darby

Managing Editor, *The Forward Observer*



AVER is a 501(c)(3) non-profit organization of lesbian, gay, bisexual, and transgender active duty, reserve and veteran service members, dedicated to the fair and equal treatment of all veterans and service members, and to honoring the sacrifices of all who served past and present. Membership in AVER is open to all who support the goals of the organization and does not suggest or imply sexual orientation of any of its members. All membership information is strictly confidential, as directed by the AVER National Constitution, within the limits of applicable laws. Officer and chapter contact information listed in the Forward Observer and on www.aver.us is collected either from chapter-controlled newsletters / web sites or by explicit permission.

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National News

President Obama's 2nd Inaugural Speech

Washington, D.C. - January 21, 2013

"We, the people, declare today that the most evident of truths – that all of us are created equal – is the star that guides us still; just as it guided our forebears through Seneca Falls, and Selma, and Stonewall; just as it guided all those men and women, sung and unsung, who left footprints along this great Mall, to hear a preacher say that we cannot walk alone; to hear a King proclaim that our individual freedom is inextricably bound to the freedom of every soul on Earth.

1. It is now our generation's task to carry on what those pioneers began. For our journey is not complete until our wives, our mothers, and daughters can earn a living equal to their efforts. Our journey is not complete until our gay brothers and sisters are treated like anyone else under the law – for if we are truly created equal, then surely the love we commit to one another must be equal as well. Our journey is not complete until no citizen is forced to wait for hours to exercise the right to vote. Our journey is not complete until we find a better way to welcome the striving, hopeful immigrants who still see America as a land of opportunity; until bright young students and engineers are enlisted in our workforce rather than expelled from our country. Our journey is not complete until all our children, from the streets of Detroit to the hills of Appalachia to the quiet lanes of Newtown, know that they are cared for, and cherished, and always safe from harm.

That is our generation's task – to make these words, these rights, these values – of Life, and Liberty, and the Pursuit of Happiness – real for every American. Being true to our founding documents does not require us to agree on every contour of life; it does not mean we will all define liberty in exactly the same way, or follow the same precise path to happiness. Progress does not compel us to settle centuries-long debates about the role of government for all time – but it does require us to act in our time.

For now decisions are upon us, and we cannot afford delay. We cannot mistake absolutism for principle, or substitute spectacle for politics, or treat name-calling as reasoned debate. We must act, we must act knowing that our work will be imperfect. We must act, knowing that today's victories will be only partial, and that it will be up to those who stand here in four years, and forty years, and four hundred years hence to advance the timeless spirit once conferred to us in a spare Philadelphia hall.

My fellow Americans, the oath I have sworn before you today, like the one recited by others who serve in this Capitol,

was an oath to God and country, not party or faction – and we must faithfully execute that pledge during the duration of our service. But the words I spoke today are not so different from the oath that is taken each time a soldier signs up for duty, or an immigrant realizes her dream. My oath is not so different from the pledge we all make to the flag that waves above and that fills our hearts with pride.

They are the words of citizens, and they represent our greatest hope.

You and I, as citizens, have the power to set this country's course. You and I, as citizens, have the obligation to shape the debates of our time – not only with the votes we cast, but with the voices we lift in defense of our most ancient values and enduring ideals.

Let us each of us now embrace, with solemn duty and awesome joy, what is our lasting birthright. With common effort and common purpose, with passion and dedication, let us answer the call of history, and carry into an uncertain future that precious light of freedom.

Thank you, God Bless you, and may He forever bless these United States of America.

"Our journey is not complete until our gay brothers and sisters are treated like anyone else under the law."

Yes, he actually said it. That gay people should have the same rights as everyone else. We have to admit that we were surprised, and stunned. He may well be the only President who ever used the word 'gay' in a public address.

Members of AVER had been fighting for 18 years to end the DADT policy. In December of 2011, President Obama ended the DADT; policy.

We still have more major battles to win. The first is to ensure that gay and lesbian servicemembers receive the same benefits as everyone else who is serving. We are hoping that Secretary of Defense Panetta's Directive from the Department of Defense will cover all of this. And the second is to end the Defense of Marriage Act (DOMA). All LGBT people, including LGBT veterans are discriminated against under DOMA. We look forward to the day when that is abolished.

"Our journey is not complete until our gay brothers and sisters are treated like anyone else under the law."





AVER President Danny Ingram congratulates President Obama after signing Don't Ask Don't Tell Repeal Act of 2010.

Changing of the Guard - February 2013

Besides the re-election of President Barack Obama there have been several other changes in Washington, D.C. that have affected AVER.

Congressman Barney Frank

We first met Congressman Barney Frank at the historic 1993 March on Washington. At his invitation, at least 25 members of GLBVA piled into his office, sitting on window-sills, desks, floors, etc. He was extremely gracious and encouraging to all of us. 1993 was the beginning of the battle over DADT, and it felt so great to have such a formidable ally on our side.

We have visited Congressman Frank many times over the years. When we do go to Washington to lobby and meet with our elected officials, most of the time we only meet with their staffers. Congressman Frank has always had the time to meet with members of GLBVA/AVER, and we again want to thank him.

It is definitely the End of an Era.



Congressman Barney Frank with several AVER Members.

Senator John Kerry

Like Congressman Frank, Senator John Kerry is from Massachusetts. And like Congressman Frank, Senator Kerry, who is a decorated war veteran, has always been cordial and welcoming to members of our veterans group. I say this because, as many of you know, gays and lesbians, including gay veterans have not always been warmly received by our elected officials. So when it does happen, we remember it.

We are delighted that President Obama has chosen Senator John Kerry to be of Secretary of State.



Patrick Bova, Secretary of State John Kerry and Jim Darby

Secretary of Defense Leon Panetta

Secretary of Defense Leon Panetta stepped down at the end of February. We were all concerned about the selection of Chuck Hagel as his replacement. Mr. Hagel does not have great record concerning LGBT people. We were especially concerned with the discrimination against same-sex married couples in the military. But to everyone's surprise, under Leon Panetta, the Department of Defense issued new guidelines which grant all benefits to same sex couples except those covered by DOMA (Defense of Marriage Act). Bravo to you Mr. Panetta.

The Department of Defense is Opening Combat Roles to Women

First, we want to make it absolutely clear that we all know that women have been serving in combat roles forever.

This article is based upon an article "Pentagon to remove ban on women in combat" published in the The Washington Post on January 23, 2013 by Ernesto Londono, and from an article "Duckworth: Women in combat 'win for our nation'" from POLITICO (an on-line source) by Ginger Gibson, dated January 23, 2013.

In January of this year, The DoD announced that it would be lifting the ban on allowing women to join combat units. This decision brings an end to a decision made in 1994 with the issuance of a Pentagon policy. The policy prohibited women from being assigned to ground combat units below the brigade level. Brigades were based farther from the front lines and often included top command and support staff.

Defense Secretary Leon Panetta announced the lifting of the ban, stating that "women in combat is a strength."

"Our military is more capable, and our force is more powerful, when we use all of the diverse strengths of the American people. Every person in today's military has made a solid commitment to fight, and, if necessary, to die, for our national defense. We owe it to them to allow them to pursue every avenue of military service for which they are fully prepared and qualified. Their career success and their specific opportunities should be based solely on their ability to successfully carry out an assigned mission. Everyone deserves that chance."

The policy change has been met with support and few objections.

Among those supporting the change is the American Civil Liberties Union (ACLU) which recently filed a federal lawsuit against the DoD. The lawsuit charges that excluding women from combat roles hinder the nation's readiness and prevents servicewomen from training and recognition for their work. Plaintiffs in the ACLU lawsuit include recipients of the Purple Heart.

Ariela Migdal, Senior Staff Attorney with the ACLU's Women's Rights Project commented on the policy change. "We welcome this statement with cautious optimism as we hope that it will be implemented fairly and quickly so that servicewomen can receive the same recognition for their service as their male counterparts."

As far as opposing viewpoints to the DoD's announcements, Jerry Boykin, Executive Director of the Family Research Council released the following statement: "While their focus must remain on winning the battles and protecting their troops, they will now have the distraction of having to provide some separation of the genders during fast-moving and deadly situations."

Boykin labeled the move to lift the ban as "another social experiment."

Meanwhile the decision to include women in combat roles opens up about 230,000 jobs for servicewomen. The decision about which roles will be determined by service branch leadership.

The policy change will enter an "assessment phase" to determine its application.

This announcement will provide more opportunities for servicewomen to officially engage in the fight rather than being unofficially attached to a unit.

Women in combat is not new news. Combat Operations in Iraq and Afghanistan have involved women filling the roles of medics, military intelligence officers and helicopter pilots. Let us, at this time, recognize Illinois Democratic Senator Tammy Duckworth, a former helicopter pilot who lost both of her legs in a helicopter crash in Iraq. Rep. Duckworth called the



Representative Tammy Duckworth and Members of Chicago Chapter

decision “long overdue.”

“Anytime we as a nation have lifted restrictions and allowed people to serve based on their performance our military and our nation have benefitted from it” she said. “You had the same argument with gays in the military. I don’t think we’ve seen a degradation of our military readiness.”

The Department of Defense is Now Granting Full Separation Pay to DADT-Discharged Veterans

Something that most Americans did not know - that veterans discharged under the DADT policy only received one half of their separation pay benefits.

In January, the American Civil Liberties Union (ACLU) issued a press release regarding a settlement reached in Collins v United States.

This article is based on the ACLU press release dated January 7, 2013.

Former service members who are part of a class action lawsuit challenging a DoD policy that cuts in half the separation pay of those who have been honorably discharged for “homosexuality” will receive their full pay after a settlement was announced in January.

“There was absolutely no need to subject these service-members to a double dose of discrimination by removing them from the armed forces in the first place, and then denying them this small benefit to ease the transition to civilian life” said Laura Schauer Ives, managing attorney for the ACLU of New Mexico. “This decision represents a long delayed injustice for these veterans.”

This decision represented approximately 181 honorably discharged veterans who had their separation pay cut in half because of the discriminatory policy. The total amount of separation pay withheld from those veterans is approximately \$2.4 million. The lead plaintiff is Richard Collins, a former staff sergeant in the Air Force who served for nine years until he was discharged under “Don’t Ask, Don’t Tell.” Collins was

stationed at Cannon Air Force Base in New Mexico before being seen by a co-worker exchanging a kiss with his boyfriend in their car while stopped at an intersection off-base.

Under the settlement, all servicemembers covered by the lawsuit will be contacted by the government and notified that they are eligible to opt in to the settlement and receive 100 per cent of the separation pay that they would have received had they been discharged from the military for any other honorable reason. Federal law entitles service members to separation pay if they have been involuntarily and honorably discharged from the military after completing at least six years of service in order to help ease their transition to civilian life.

The settlement covers service members who were discharged on or after November 10, 2004, which is as far back as the settlement could extend under the applicable statute of limitations.

“It makes no sense to continue to penalize service members who were discharged under a discriminatory statute that has already been repealed.” said Joshua Block, staff attorney for the ACLU Lesbian Gay Bisexual Transgender Project. “The amount of pay owed to these veterans is small by military standards, but it is hugely significant in acknowledging their service to their country.”

VA Transgender Policy Clarification

In June of 2011, the VA issued a Directive on the treatment of transgender veterans in the Veterans Health Administration (VHA). Recently the VHA has announced a clarification to its record policy that will make significant differences in the lives of trans veterans. Since the Directive has gone into effect, the VA has received positive reports from trans veterans about receiving more respectful health care. However, one area that the Directive left unclear was the documentation that was required for veterans to change the gender marker on their health records.

The Directive was very clear that medical records will now reflect an individual’s self-identified gender. However, the policy also indicated that the individual must provide official documentation as per Veterans Health Administrative policies in order to change the gender marker. This was initially interpreted incorrectly by some staff and facilities to require proof of sex reassignment surgery.

The VA has now clarified that this policy is intended to mirror the State Department passport policies. Effective immediately, to change the gender on VHA medical records, a veteran must simply provide a letter from a physician certifying that the veteran has changed genders and has had appropriate clinical treatment for gender transition. To be clear, the physician’s letter does not need to certify that some specific

surgery or any particular medical procedure has been completed - only appropriate clinical care for the individual veteran as determined by the physician.

This clarification is another important step forward for trans veterans. The National Center for Transgender Equality (NCTE), has been very helpful in providing education and advocacy to the VA, which continues to be very interested in ensuring that transgender veterans are treated equally. They are confident that the VA will continue to move forward and they are excited about some great upcoming programs the VA is planning to provide cultural competency training to clinical and administrative staff across the country.

In the coming weeks, NCTE will release a user-friendly guide to changing your VA health records. Until then, trans veterans are urged to read the 2011 VHA Directive and the passport policy and to speak with a patient advocate or Social Worker at your VA facility if you have questions.

VHA Directive:

http://transequality.org/PDFs/VHA_Health.pdf

Passport gender change policy:

http://transequality.org/Resources/passports_2012.pdf

If you have difficulty changing your records at your local VA or have trouble accessing respectful healthcare, please contact NCTE at: NCTE@transequality.org or 202-903-0112.

Challenge to Recognize Legally Married Same-Sex Couple’s Right to Veterans Benefits

On Wednesday, February 20, 2013 the Southern Poverty Law Center (SPLC) and co-counsel Wilmerhale asked a federal court to block a so-called Defense of Marriage Act that prohibits the federal government from recognizing legal same-sex marriages for the purposes of providing benefits. The filing is on behalf of Tracey Cooper-Harris, a disabled Army veteran with multiple sclerosis, and her wife, Maggie Cooper-Harris, who were married in California in November 2008.

This request was made in a motion for summary judgment filed in Los Angeles. It asks the court to declare as unconstitutional Section 3 of the Defense of Marriage Act (DOMA), and two other statutes that prohibit the federal government from recognizing same-sex marriages. Because of these statutes, the couples are

ineligible to receive certain disability compensation and other veterans benefits routinely provided to veterans in opposite-sex marriages and their spouses.

If the court grants summary judgment, the couple will be eligible to receive the benefits provided to married veterans and their spouses. The SPLC and Wilmerhale filed a federal lawsuit on behalf of the couple in February 2012. “Tracey served with honor in two wars to protect our collective freedom.” said Christine P. Sun, deputy legal director for the SPLC. “Nothing should stand in the way of our brave men and women of the military receiving all the benefits they have earned with their sacrifice.”

In 2010 Tracey was diagnosed with multiple sclerosis, which the VA has determined is connected to her military service. There is no known cure for multiple sclerosis, a disabling disease that attacks the brain and central nervous system. Tracey also receives disability for post traumatic stress disorder, which resulted from her service.

Tracey asked the VA to add Maggie as her spouse so that Tracey would be eligible for the benefits provided to married veterans, such as additional disability compensation, and Maggie would be eligible for the benefits provided to spouses of veterans, such as monthly compensation if the veteran dies from a service-connected disease or disability. The couple also hoped to be eligible for the benefit of joint burial at a state or national veterans’ cemetery. These benefits are routinely provided to heterosexual veterans and their spouses.

Although their marriage is legally recognized in their home state of California the VA has denied them these benefits because of DOMA.

“While I shouldn’t have to fight for something that was already promised to me in exchange for my service and commitment to this country, I want to make sure that Maggie is taken care of after I’m gone,” Tracey said. “I also want to ensure that no other couple like us has to endure this discrimination.”

American Veterans for Equal Rights is watching this case closely. We have many members who would be pleased to be buried in a state or national cemetery if their spouses could also be buried with them.

A video detailing how DOMA is harming veterans and their families can be viewed at <http://splcenter.org/getinformed/news/doj-says-it-will-not-defend-law-denying-spousal-benefits-to-veterans-in-same-sex-m>

Attorney General Eric Holder said the Depart-

ment of Justice will no longer defend DOMA, calling it a discriminatory law that denies spousal benefits to veterans in legal, same-sex marriages.

“There is no justification for this statute, which treats gay and lesbian veterans and their families as second class citizens,” he said.

Pentagon Adds Some Same-Sex Couples Benefits by defense.gov

Former Secretary of Defense Leon Panetta announced on February 11th that the Pentagon has agreed to expand benefits to gay and lesbian couples, but officials said they could not offer equal access to base housing, health care or certain other services.

The order permits same-sex partners and their dependents to use numerous family-oriented facilities and services on U.S. military bases, including recreation areas, counseling programs, school buses, child care and shopping exchanges.

The order grants same-sex couples the right for the first time to request assignment to the same post if both serve in the military. It also allows partners to get pay and other benefits if one is taken prisoner or is missing in action.

The changes are welcomed by gay and lesbian servicemembers who are in same-sex relationships, but they are far short of full equalization of benefits. The Defense of Marriage Act (DOMA) bars same-sex couples in the military from the most general federal benefits, including free, or reduced-cost medical services and tuition assistance. The law defines marriage as between one man and one woman.

“There are certain benefits that can only be provided to spouses as defined by that law.” Panetta said in a memo explaining the changes.

The Supreme Court has scheduled oral arguments in March in a case that challenges the law as unconstitutional.

It will take several months to update computer software to permit same-sex partners to get military identification cards, officials said, but the new cards must be available by October 1st.

Most gay rights groups applauded the latest move, while critics said the administration was circumventing the Defense of Marriage Act.

“Today the Pentagon took a historic step forward toward righting the wrong of inequality in our armed forces, but there is still more work to be done,”

said Chad Griffin, President of the Human Rights Campaign.

“Once again, the president is eroding our military’s apolitical stance and forcing conformity onto the rest of society by pushing his liberal social agenda through the Department of Defense,” said Sen. James Inhofe (R-OK), ranking member of the Armed Services committee.

When Leon Panetta took the job in 2011 he vowed to take steps to equalize benefits for all veterans. American Veterans for Equal Rights thanks Mr. Panetta for taking these giant steps for gay and lesbian service-members and veterans. For a complete list of the latest changes go to:

<http://www.defense.gov/news/Same-SexBenefitsMemo.pdf>

Veterans Affairs Report

While supporting AVER’s potential plans for expanding our veterans services, AVER Veterans Affairs has established a working relationship with the Veterans Administration’s newly appointed national LGBT Program Coordinator for Patient Care Services. We continue to provide speakers and consultation to VAMCs requesting assistance in expanding LGBT sensitive services to our veterans.

VetsAffairs@aver.us

A man who wears many hats, Denny Meyer is one of the most hardworking and dedicated members of AVER. Denny serves as President of the AVER New York Chapter, Region 1 Vice- President, AVER National Public Affairs Officer, and Vice- President of Veterans Affairs. In his spare time - wait - he doesn’t have any spare time. AVER is extremely grateful and proud of all the work that Denny does for America’s veterans.



General Tammy Smith

General Tammy Smith, the first openly gay person to be promoted to the rank of general, sends her greetings to AVER. Brigadier General Smith is also the first general officer in US military history to be married to a same-gender spouse. Congratulations to General Smith and her wife Tracey Hepner. And thank you for your support of AVER.

Danny Ingram, National President American Veterans for Equal Rights

Attention Readers

We mail out The Forward Observer first class to all of our members who would like a printed copy. It is also available on-line for download from our web page - www.aver.us , or if you would like to send us your email address, we will send it out to you electronically. Simply send an email with “My email address” in the subject line to editor@aver.us



Chapter Reports

★AVER Region I



The New York chapter of AVER meets at the LGBT Community Center in Manhattan, 208 W 13th St, just west of 7th Ave.

Chapter - New York

During the past year's Veterans Day Parade, AVER-NY joined forces with New York City's Lesbian and Gay Big Apple Marching Band to form a block long contingent of plumed and rainbow sashed pride playing Americana and military marching favorites to the cheers of a million observers. As always, we were harassed by the homophobic hostile United War Veterans Council NYC leaders who run the parade. The time for their obsolete bigotry is long past, and soon they will no longer be able to carry on. The band's support van doubled as our "Disabled Veterans Vehicle" for our senior vets to ride in and give the Queen's wave; to our fans along the parade route.

In September we joined the one year celebration of the end of DADT aboard the USS Intrepid (museum) docked on the Hudson River in New York City,



NYC Congresswoman
Meng & Denny Meyer



"Pioneer activist Randy Wicker visits the AVER booth at the GLBT Expo in NYC in March. L-R: Russell Goeller -AVERNY Sec, Denny Meyer-President, Claude Ashby-Treasurer, Randy Wicker, Tony Breton -VP." and had the honor, along with AVER President Danny Ingram and Region IV VP LTC Steve Loomis (Ret.) of meeting Admiral Mike Mullen (Ret.) the former Chairman of the Joint Chiefs who had testified for and shepherded the transition to open service.

In February we again attended New York City's WinterPride fundraiser filled with fine food and over a dozen local gay and lesbian elected officials and elected straight supporters of our rights. We had the pleasure of meeting with newly elected NYC Congresswoman Grace Meng.

In March AVERNY will again have a booth at the huge LGBT Expo at New York City's Javits Convention Center, where we meet some 20,000 attendees including many LGBT servicemembers and vets.

www.averny.tripod.com
AVER New York (AVERNY)
PO Box 150160
Kew Gardens, NY 11415
President - Denny Meyer
Voice: 718.849.5665



NEOAVER's home bar is Twist Social Club at 11633 Clifton Blvd, Cleveland, OH 44102

Marie Ann Bohusch
qcws@neoaver.org

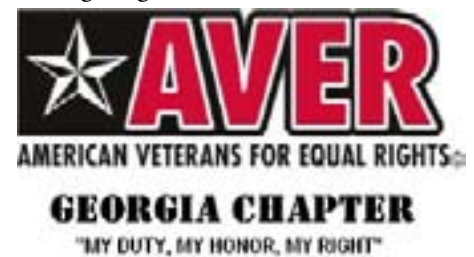


Denny Meyer & Admiral Mullen

★AVER Region II



Marshall Belmaine
P.O. Box 11247
Ft. Lauderdale, FL 33339
954 486 9406
aver-fgc.org



AVER Georgia Participates in VA Training

1. The Atlanta VA has reached out to the Georgia Chapter of American Veterans for Equal Rights to host a suicide prevention program specifically for LGBT vets. This is the first time the VA has reached out to AVER Georgia with any program. Part of its national Opera-

tion S.A.V.E. program, the VA acknowledges the very serious problem of suicide among veterans. The North Georgia region experiences the third highest number of veteran suicides in the nation. As many as 18 vets a day take their own lives, and this growing problem can be prevented by helping vets get the care and support they need to overcome the “invisible” wounds of war. Carlo Domingo, the Suicide Prevention Case Manager at the Atlanta VA Medical Center, helped staff AVER’s Atlanta Pride booth this past October, and he is very interested in reaching out to LGBT veterans. “We want to make sure we take care of our own,” he said. The training will be held Saturday, April, 27th, 2013, in the Atlanta VA’s Pete Wheeler Auditorium located at 1670 Clairmont Road, Decatur, 30033. AVER Georgia is very excited about this opportunity to work with VA staff inside the Medical Center. AVER acknowledges the vital importance of building working relationships with the VA in order to ensure our LGBT vets have full access to quality care. All LGBT veterans and their friends and supporters are encouraged to attend this unique opportunity.

Danny Ingram
President, Georgia Chapter AVER
AVER Georgia - Atlanta
President - Danny Ingram
P.O. Box 2115, Decatur, GA 30031



Chicago Chapter Greetings
This has been an extremely busy time for the Chicago Chapter and we are only going to mention some of the highlights.
In July, for the 2nd year in a row I had the honor of reading the Decla-

ration of Independence at the Chicago History Museum. Take the time to read it some day. It’s five pages long. In July we had a Memorial Service for one of our members, Randy Williamson, USN. His family had relinquished all responsibility for him, so AVER had him buried, with full military honors, at the Abraham Lincoln National Veterans Cemetery in Elwood, IL.



Members of Chicago AVER hold the 20th anniversary wreathlaying ceremony at Allen Schindler’s grave on Veterans Day

In August AVER set up a table at the North Halsted St. Market Days, the largest festival in the Midwest. In September we celebrated the 1st Anniversary of the end of DADT. We also attended a Memorial Service for another longtime Member of AVER, Catherine Borovina, USAF.

In October Chicago launched The Legacy Walk - an outdoor display of bronze plaques depicting LGBT people in history. We sponsored the Sgt Leonard Matlovich Plaque and AVER provided the Color Guard for the ceremony. AVER was also one of the primary organizers of Operation: Do Ask, Do Tell, the first[-ever Health Conference held specifically to address the needs of LGBT servicemembers and veterans. Besides AVER and several local LGBT organizations, three area VA hospitals participated - Jesse Brown, Hines and Lovell. It was a huge success.

In November, for the 19th year members of AVER held a Remembrance Ceremony at the grave of Allen Schindler. In November we also par-

ticipated in a number of Veterans Day events - the City of Chicago’s Veterans Day ceremonies which were held at the Vietnam Memorial along the Chicago River, and our 20th Annual Veterans Day Dinner. This year our two stellar speakers were active duty sailors from Great Lakes Naval Base. HM3 Richard Dumbrique and HM3 Brian Ruiz are also members of GLASS (Gay, Lesbian and Supportive Sailors) Association, the first openly gay military organization on a U.S. Naval Base.

On December 15th members of AVER marched in the Chicago Welcomes Home The Heroes Parade - to honor the 6600 servicemembers killed in the Iraq and Afghanistan Wars. The Chicago Chapter meets the first Thursday of every month at 7:00 p.m. at the Center on Halsted.
www.averchicago.org

Jim Darby, President
Chicago Chapter AVER
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The Rocky Mountain Denver Chapter

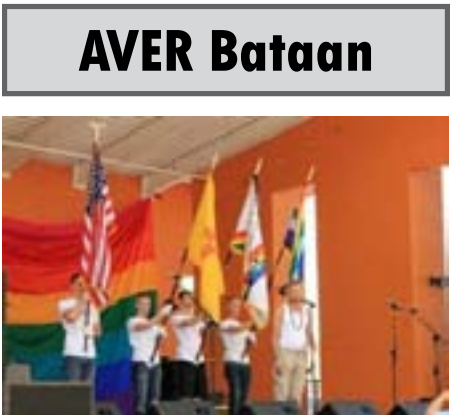
On National Coming Out Day, October 11, 2012, the AVER-RMC Color Guard made their 14th appearance by presenting Colors for the 2012 Denver Mayor’s Annual Diversity Awards. It was held in the brand new Colorado History Museum to honor members of the various ethnic and diverse Commissions representing the people of Denver. We had an inside track on this event since I had the honor to chair the awards on behalf of the Denver GLBT Commission.

I’d be remiss if I didn’t mention that this is the only “regulation quality” GLBT Color Guard in the nation. They have marched in the Denver, Colorado Springs, and Fort Collin’s Pride Parades, as well as Memorial Day, Veteran’s Day and St. Patrick’s Day parades. And let’s not forget presenting colors at the National GLBT Flag Football Championships. We are open for invitations to do any event.

We are honored to have been selected to host the AVER National Convention here in Denver, September 19-22, 2013 at the Renaissance Hotel. John H., Jeremy Watkins and Miguel Valdez will serve as co-chairs to work to insure a productive and fun weekend. The working theme is “Continuing To Serve”. Our hope is to provide education and incentive for each chapter to continue to work with their local veterans organizations to enable GLBT veterans to have the services and support that they need.

We are in the final stages of having our own web page up and running, so keep your eyes peeled for updates and registration information.

John Kelly email: jjkellyii@aol.com



Albuquerque Pride
The New Mexico Bataan Chapter of AVER in Albuquerque publishes a monthly bulletin, High Desert Signals. Please contact Vice President Steve Loomis for information at swloomis@swcp.com.

com
At the October Halloween Party meeting, members were invited to come in costume. The theme was Roman Legion - come as soldiers, slaves or senators. What a choice.

AVER And OutServe marched together On Sunday, November 11 in the annual Veterans Day Parade.

Memorial for LGBT veterans - is being considered by the Bataan Chapter of AVER to be placed at the New Mexico Veterans Memorial on Louisiana Boulevard DE. The estate of longtime AVER member Don Stevens is donating money to start the development of this memorial. The memorial will be dedicated to all who serve their country without regard race, religion, sex, or sexual orientation. There will be an opportunity for you to have individual recognition at this monument.

The dates for the Bataan chapter vary, but they alternate between Board meetings and General meetings. Most meetings are held on weekends at Steve Loomis’ home. More info is available from Steve at:

Steve Loomis, Vice President
Bataan Chapter of AVER
P.O. Box 30625
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505 301 1737
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AVER Greater Los Angeles

A busy second half of our first year!

In June of 2012, AVER GLA shared a booth with Marriage Equality

USA at the Long Beach Pride Festival, the focus being on DOMA and its affects after DADT Repeal we met many people there and signed up many for our emails.



Greater Los Angeles Chapter

On the 20th of July we participated with the V.A. at the Female Standdown held on the campus of U.S.C. and on the 27th of July we jointly held the first ever Standdown with the V.A. at the Los Angeles Gay and Lesbian Center 40 members of the Community attended and many signed up for healthcare and/or housing for the first time! AVER info brochures are now at the Center.

August 4th found AVER attending a Dodger home game with an invitation to march out to field and be presented to the crowd, with enthusiasm! On August 16th we attended the Goodwill Industries Standdown in downtown L.A. with several groups.

September 11th AVER GLA was invited back to the second Veterans Resource Fair on the campus of Cal State University, Northridge as the only LGBT Vet group there, we celebrated the opening of both the Vet Center and LGBT Center on campus. Our trifold info brochures are in both offices! That evening AVER attended the “Cops for Causes” Fundraiser in West Hollywood at the invitation of member Christopher Landazano, who is running for City Council WeHo.

In October, AVER GLA walked in the AIDS Project L.A. “AIDS walk” raising \$3890 for the cause. An award was presented to us from APLA. Our

goal is to double the amount raised at the October 2013 AIDS walk.

On the 10th of November AVER GLA marched with our Color Guard in the Long Beach Veterans Day Parade, the first LGBT group to be invited. November 11th was a FUN DAY with the group as it was Vets Day at Knott's Berry Farm FREE ADMISSION for Vets. We rode the rides and had a great lunch together! November 17th we volunteered again at Operation Gratitude, putting together Care Packages for troops overseas.

That leaves us with time off in December 2012, and in January 2013 we met with the Long Beach Gay and Lesbian Center and they now have AVER info brochures and plans for a Stand-down there.

In February, we had our 2nd Stand-down with the V.A. at the L.A. Gay and Lesbian Center.

Nowlin Halton
AVER-GLA Community Outreach Chair
Addendum:

On April 8th AVER-GLA's very own Dave Lara as well as other LGBT Veterans & Servicemembers will be featured on RuPaul's Drag Race as special guests. Please see local listings or visit http://www.logotv.com/shows/rupauls_drag_race/season_5/series.jhtml for more info.

AVER-GLA has been asked to serve as the official Color Guard for the Long Beach LGBT Pride Parade and lead the participants down the parade route on May 19th. AVER-GLA is asking other LGBT Veterans and Servicemembers interested in participating to please contact us at info@aver-gla with your name and Branch/Dates of Service to receive all the details.

On July 6th the Los Angeles Sisters of Perpetual Indulgence will be hosting the 2nd Annual LGBT Military Ball at Club Ripples in Long Beach, CA. This

year's beneficiaries will be AVER-GLA and OutServe/SLDN So Cal Chapter. "Mari's Military Ballz, An LA-SPI Celebration f Men & Women in Uniform" will be from 8PM till Close, bringing the best Southern California has to offer for a one night tribute to all those who have served and continue to serve in the Armed Forces. All the proceeds to benefit LGBT Veterans and Servicemembers in Southern California. For more information please visit www.clubripples.com or www.aver-gla.org.

Apolonio E. Muñoz III
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AVER Palm Springs

Palm Springs Gay Veterans

The Palm Springs chapter continues rolling along under the great leadership of Mel Tips who founded the Chapter 20 years ago.

Monthly meetings are held in Desert Hot Springs. Mr. Tips always provides a tasty luncheon for the troops.

In November PSGV marched in two parades. On November 3 they participated in the Gay Pride parade, followed by the Veterans Day Parade on November 11. Some members rode in Mel's camper, and some walked. They always have a great turnout, and received wild applause from the 30,000 spectators when they march down Palm Canyon Drive.

Mel Tips
PO Box 5012
Palm springs, CA 92263-5012
760 329 6560
miltips@aol.com



Sacramento Valley Veterans



Sacramento Valley Veterans

Sacramento Valley Veterans (SVV) has been building rapport with the community and other Veteran groups in the Sacramento Valley through advocacy, outreach, and camaraderie. In September 2012, SVV passed on information regarding the issue of Veterans and suicide during Suicide Prevention Week and hosted a celebration event at the local Leather bar, The Bolt, to commemorate the one-year anniversary of the repeal of "Don't Ask, Don't Tell." Simultaneously, the legislation SVV had sponsored, AB 1505, was signed by Governor Jerry Brown to become effective in 2013. AB 1505 provides access to resources for LGBT Servicemembers and Veterans in the State of California.



Sacramento Valley Veterans Information Booth

From October to November, SVV involved itself in advocacy and outreach by representing at the UC Davis Health Care System's National Coming Out

Day on October 11th. SVV President Ty Redhouse and Vice President Michael Williams tabled at the event and made connections with local organizations. On Veterans Day weekend, SVV member Brandon Smith pulled out all the stops as SVV hosted its first Veterans Day event at local club, Badlands, on Saturday. A great time was had by all who came in to celebrate a DADT-free military and to commemorate LGBT Veterans and Servicemembers. The next day, SVV carried out Color Guard duties in Sacramento's 2nd Annual Veterans Day parade down the Capitol Mall.

On November 7th, SVV represented at Sierra College's first annual Pride Days event on the campus quad where future collaborations were discussed with the campus VSOs for 2013. On November 20th, Secretary Gene Silvestri, President Ty Redhouse, SVV Member Joanna Michaels, and community members participated in a panel discussion at Sacramento State University. Gene, Joanna, and Transgender Vet Terrance Kayton handled the panel well as they answered questions on serving in the military and interacting with the VA. SVV President Ty Redhouse was on-hand to answer questions regarding military policy. SVV and the Sacramento State PRIDE Center continue to support each other by collaborating on events to educate the community on LGBT Veteran and Servicemember-related issues.

Over the past year, SVV and its members have engaged almost every area of the community from providing testimony for legislation to tabling at college campuses to attending a summer of movie events. Our efforts were recognized by the Veterans Democratic Club of Sacramento County (DemVets) as SVV received the President's Award for 2012. Additionally, SVV Vice President Michael Williams received the DemVets' Members' Award of the Year and SVV President Ty Redhouse re-



Sacramento Valley Veterans

ceived the award for Veteran of the Year.

2012 was another banner for SVV and 2013 promises to be another great year. Already, a program of Color Guard events is lined up for the spring and summer as well as a list of advocacy and outreach opportunities at the area's college campuses and LGBT events. SVV continues to move forward by educating the community and providing our area's LGBT Veterans with information and camaraderie events.

Events:

Monday, March 18th - SVV General Meeting
Sunday, March 24th - SVV Out & About: CA State Military Museum Tour and Lunch
Thursday, March 28th - UC Davis Health Care System Diversity Week
April 2013 - Sacramento State PRIDE Week
May 2013 - Veterans Stand Together @ Sierra College
June 2013 - Courage To Stand & Sacramento Pride

Sacramento Valley Veterans (SVV) meets on the 3rd Monday of the month (unless otherwise noted) at the Laverder Library in Midtown Sacramento at 6:30 p.m. For more information on SVV and its goings on, visit www.sacvalleyvets.com.

Vice President -Ty Redhouse
916 436 7676
facebook.com/groups/sacvalleyvets
sacvalleyvets.com

Addendum: Michael Williams is the newly elected President of the SVV.



Denver Skyline from the Denver Travel Guide

DENVER to Host the 2013 NATIONAL CONVENTION

AVER National Convention - Hosted by Rocky Mountain Chapter



Renaissance Host Hotel for 2013 AVER National Convention

TAPS



*Michael Gorman Courtesy
Lodi News Sentinel*

Michael David Gorman (1985-2013)

Edited from the original published obituary: Published in Lodi News-Sentinel from March 13 to March 20, 2013

Michael David Gorman passed away March 11, 2013, at home following a ten month battle with cancer. He fought his battle with dignity and courage.

He was born November 28, 1985, in Lodi, CA. He is survived by his parents Edward and Diane Gorman, his brothers Thomas and Eddie, his sister Stephanie, Grandmother Audrey Lawrence, many aunts, uncles, cousins, and his best friend David Nielsen.

Michael graduated from Lodi High School in 2003. He played the trumpet in the Lodi High Band.

He served in the U.S. Navy. He worked at Scooter's and Dameron Hospital.

He was passionate about cooking and actively supported the Sacramento Valley Veterans. He loved the beach, birds, and Japanese culture.

His family wishes to thank Vitas Hospice Care, and his doctors and nurses at UCSF Medical Center.



SVV Michael Gorman

The following is from Ty Redhouse

On March 11, 2013, AVER's Sacramento Valley Veterans (SVV) Chapter experienced the loss of one of our own, an outstanding young man who waged a brave battle against cancer. Michael D. Gorman, USN, 26, passed away at his home in Lodi, CA.

SVV got to know Michael when he attended one of our first meetings in 2010. In those days, SVV was just beginning to get its feet under it and Michael came in at a time when "Don't Ask, Don't Tell" (DADT) was still in full swing but on its way out. Determined to engage in the fight for equality, Michael put himself out there and lent his voice to the conversation.

His story was one among many, thousands in fact; stories of men and women discharged from the military because of who they were/are. He joined the U.S. Navy in 2004, got through boot camp, and made it into submarine training. It was in training when one moment turned his life around.

For accessing a gay networking site on base, he was relieved of his duties and investigated. The investigation contained testimonies against him by his fellow shipmates to whom he had confided his sexual orientation. He was subsequently discharged months later under DADT.

"I made the mistake of trusting a couple of shipmates of mine ... I felt betrayed. I joined up to be part of them, to help the fighting force. Yet I tell one truth about myself and get tossed..." - Michael Gorman

When Michael came to SVV, I got the sense that he needed something, perhaps a place to belong, to feel a part of. SVV took him in our ranks and I'd like to believe we helped foster his spirit, to help build up a trust that had been lost when he was discharged. I'd like to believe his strength came in part from what we could offer him: Camaraderie. Over the past almost-three years, Michael gave SVV his time, his motivation, and his support.

He stood with us in the SF Pride Parade where we marched with the American Legion's Alexander Hamilton Post 448 in our first months and participated in the Color Guard on numerous occasions.

In November 2012, he stood with us as we marched in the City of Sacramento's second Annual Veterans Day Parade. This was while he was in the midst of his battle with cancer. Standing with his fellow Veterans, Michael braved the cold morning to march down the Capitol Mall. This was but one of many examples of his tenacity and strength.

Michael always held his head high. He was always ready and willing to get into the fight for a better world.

Michael's passion and drive touched everyone he met and he will never be forgotten. We will miss him dearly and will move forward knowing that this world, this group is stronger

TAPS



Warrior

*Image was submitted by Ty Redhouse
(SVV) for our fallen warriors*

because of him. His battle is done but his light will shine on.

Michael, though you are not with us here, you will always be with us in our hearts and our histories.

Rest in peace, Brother.

Ty Redhouse, SSgt, USAF (1998 - 2006) President, Sacramento Valley Veterans



William "Bill" Bjorstad (1929-2013)

AVER is very sad to here of the passing of AVER Life Member William "Bill" Bjorstad, of Fort Lauderdale's Gold Coast Chapter, on April 14, 2013. Bill is survived by his partner of 15 years, Jimmie Schill, also an honored member of AVER, his son and daughter, and three grandchildren.

Bill was born in 1929 in Springfield, New Jersey, where he attended school prior to joining the United States Army. Bill had a unique



Bill Bjorstad

military experience that he enjoyed sharing with friends. After completing basic training he was sent to Germany where he was assigned to the Military Postal Service. He took pride in being provided his own jeep and was allowed to live "off base" with a wonderful German family. After returning to the United States he accepted employment with the U.S. Postal Service, a position he enjoyed until his retirement.

Bill was a an avid outdoorsman and enjoyed camping and fishing. He and Jimmie met at a camping site in 1993 and partnered in 1997. In addition to their work in AVER, Bill and Jimmie were two of the four Founding Fathers of the Fort Lauderdale Chapter of Prime Timers International, a social group for gay men over 40.

American Veterans for Equal Rights is deeply grateful for the life of Bill Bjorstad, his honorable service to

the United States Army during the Korean War era, and his support of AVER and the right of every American to serve with honor and dignity in the United States Armed Forces. Our nation is more free as a result of the life and work of Bill Bjorstad.

Soldier, you stand relieved. We have the watch.

Danny Ingram, National President
American Veterans for Equal Rights





SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

FEB 11 2013

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
ACTING UNDER SECRETARY OF DEFENSE FOR PERSONNEL
AND READINESS

SUBJECT: Extending Benefits to Same-Sex Domestic Partners of Military Members

The implementation of the repeal of the "Don't Ask, Don't Tell" law has been led effectively by leaders throughout the chain of command and is now essentially completed. Discrimination based on sexual orientation no longer has a place in the military. Today, our military leaders are ensuring that all America's sons and daughters who volunteer to serve our Nation in uniform are treated with equal dignity and respect, regardless of their sexual orientation. Our work must now expand to changing our policies and practices to ensure fairness and equal treatment and to taking care of all of our Service members and their families, to the extent allowable under law.

It is therefore time to address the question of the benefits we will extend to same-sex domestic partners of Military Service members. There are currently 20 educational, survivor, and travel and transportation benefits that are available by designation of the Service member. A list of these member-designated benefits is contained in Attachment 1.

At the direction of the President, the Department has conducted a careful and deliberative review of the benefits currently provided to the families of Service members. We have now identified additional family member and dependent benefits that we can lawfully provide to same-sex domestic partners of Military Service members and their children through changes in Department of Defense policies and regulations. A list of those benefits is contained in Attachment 2. These benefits shall be extended to the same-sex domestic partners and, where applicable, children of same-sex domestic partners, once the Service member and their same-sex domestic partner have signed a declaration attesting to the existence of their committed relationship. A blank copy of the proposed declaration form is in Attachment 3.

Implementation of these benefit changes will require substantial policy revision, training, and in the case of identification cards, technical upgrades. However, it is my expectation that these benefits will be made available to same-sex domestic partners as expeditiously as possible. The Military Services will make every effort to ensure eligible same-sex domestic partners of Service members and their families receive the benefits listed in Attachment 2 by August 31, 2013, but in no case after October 1, 2013. This implementation effort will be led by the Acting Under Secretary of Defense for Personnel and Readiness, in coordination with the Military Departments. The Military Departments shall submit regular updates on their progress implementing this directive through the Acting Under Secretary of Defense for Personnel and Readiness.

Additional benefits, such as health care and housing allowances, are by statute currently only available to spouses and therefore cannot be made available to same-sex domestic partners of Service members under current law. In the event that the Defense of Marriage Act is no longer applicable to the Department of Defense, it will be the policy of the Department to construe the words "spouse" and "marriage" without regard to sexual orientation, and married couples, irrespective of sexual orientation, and their dependents, will be granted full military benefits. In addition, the benefits changes directed by this memorandum will be re-assessed at that time to determine whether other changes are needed or appropriate, to include whether unmarried same-sex domestic partnerships should be a basis for eligibility for benefits in the future.

With regard to on-base housing, burial, and benefits related to command sponsorship overseas, these benefits present complex legal and policy challenges due to their nexus to statutorily-prohibited benefits and due to ongoing reviews about how best to provide scarce resources. The Military Services will continue to review these benefits to determine how best to ensure that all Service members are treated equally regardless of sexual orientation.

The Department will immediately proceed with the planning and implementation of these changes and provide the Secretary of Defense an implementation plan within 60 days.

A handwritten signature in black ink, featuring a large, stylized 'D' and 'S' followed by a horizontal line extending to the right.

Attachments:
As stated

cc:
Chairman of the Joint Chiefs of Staff
General Counsel of the Department of Defense
Assistant to the Secretary of Defense for Public Affairs
Assistant Secretary of Defense for Legislative Affairs
Commandant, United States Coast Guard

ATTACHMENT 1

Member-Designated Benefits

- Service Members Group Life Insurance Beneficiary;
- Post Vietnam-Era Veterans Assistance Program Beneficiary;
- All-Volunteer Force Educational Assistance Program – Active Duty Death Benefit;
- Death Gratuity Beneficiary;
- Final Settlement of Accounts Beneficiary;
- Wounded Warrior Designated Caregiver;
- Thrift Savings Plan Beneficiary;
- Survivor Benefit Plan Beneficiary for Retirees;
- Casualty Notification;
- Escorts for Dependents of Deceased or Missing Members – Eligibility to be an Escort;
- Designation of Persons Having Interest in Status of a Missing Member;
- Veterans' Group Life Insurance Beneficiary;
- Person Eligible to Receive Effects of Deceased Persons;
- Travel and Transportation Allowance: Attendance at Yellow Ribbon Reintegration Events;
- Travel and Transportation Allowance: Transportation of Designated Individuals Incident to Hospitalization of Members for Treatment of Wounds, Illness, Injury;
- Designation of Persons Authorized to Direct Disposition of Remains of Members of the Armed Forces;
- Presentation of the Flag of the United States;
- Transportation for Survivors of Deceased Member to Attend the Member's Burial Ceremony or Memorial Service
- Hospital Visitation Privileges
- Membership in Family Readiness Groups

ATTACHMENT 2

Additional Benefits for Same-Sex Domestic Partners

Eligibility for the following benefits shall be extended to Service members, their same-sex domestic partners and, where applicable, children of same-sex domestic partners, where the Service member and their same-sex domestic partner have signed a declaration attesting to the existence of a committed relationship, a proposed draft of which is in Attachment 3:

- Dependent ID cards, which Will be Renewed in Accordance with Existing Policies
- Commissary Privileges
- Exchange Privileges
- Morale, Welfare and Recreation Programs
- Surveys of Military Families
- Quadrennial Quality of Life Review
- Emergency Leave
- Emergency Leave of Absence
- Youth Sponsorship Program
- Youth Programs
- Family Center Programs
- Sexual Assault Counseling Program
- Joint Duty Assignments
- Exemption from Hostile-Fire Areas
- Transportation to and from Certain Places of Employment and on Military Installations
- Transportation to and from Primary and Secondary School for Minor Dependents
- Authority of Service Secretary to Transport Remains of a Dependent
- Disability and Death Compensation: Dependents of Members Held as Captives
- Payments to Missing Persons
- Space-Available Travel on DoD Aircraft
- Child Care
- Legal Assistance

ATTACHMENT 3

DECLARATION OF DOMESTIC PARTNERSHIP

For purposes of this declaration, the following definitions apply:

DOMESTIC PARTNER means a person in a domestic partnership with a Service member of the same sex.

DOMESTIC PARTNERSHIP means a committed relationship between two adults, of the same sex, that meets all of the requirements below.

We attest/declare that the following statements are true and correct:

1. We are each other's sole domestic partner, in a committed relationship, and intend to remain so indefinitely;
2. Neither of us is married (legally or by common law), joined in civil union with, or domestic partners with anyone else;
3. We are at least 18 years of age and mentally competent to consent to contract;
4. We share responsibility for a significant measure of each other's common welfare and financial obligations;
5. We are not related in a way that, if we were of opposite sexes, would prohibit legal marriage in the State in which we reside; and,
6. With regard to a common residence:
 - a. We have a common residence and intend to continue the arrangement; or
 - b. We would have a common residence but for the requirements of military service.

We also agree to, and understand that:

7. We must inform my Service not later than 30 days after (a) the date of dissolution of the domestic partnership, (b) the date the partnership no longer meets the eligibility requirements, or (c) termination of the domestic partnership by death;
8. The dissolution of the relationship may result in the termination of benefits; and,
9. Falsification or failure to inform Service:
 - a. Willful falsification of information within this declaration or failure to abide by its terms may lead to disciplinary action or constitute a criminal violation under the Uniform Code of Military Justice and/or title 18, U.S.C., section 1001. Falsification of information may also lead to the loss of benefits and/or the recovery of the cost of benefits received related to such falsification.
 - b. Failure to inform my Service not later than 30 days after (a) the dissolution or termination of the domestic partnership, or (b) the date the partnership no longer meets eligibility requirements, may lead to disciplinary action or constitute a criminal violation under the Uniform Code of Military Justice. Such failure may also lead to the recovery of the cost of benefits received after the date of dissolution or

termination of the domestic partnership, or the date the partnership no longer meets eligibility requirements.

.....
.....
Printed Name of Service Member

Last Name First Name MI
Social Security Number

Signature of Service Member/Grade/Service Date Signed

.....
.....
Printed Name of Domestic Partner

Last Name First Name MI
Social Security Number

Signature of Domestic Partner/Grade/Service Date Signed

.....
.....
Domestic Partnership Information

Date Domestic Partnership was formed: ____/____/____

Common Residence:

Address
City State Zip

If no common residence, explain why:

