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The unlawful actions by the Oregon Judicial Branch and Executive Branch Offices under the Department of Justice in the use of veteran benefits within support calculations and subsequent enforcement

Areas of Contention

- 38 USC 101 – Definitions
- 38 USC 5301 – Exclusion from all legal processes
- 38 USC 5307 – provisions of apportionment as exclusions to § 5301
- Disabled Veterans and dependents hold protection of disability benefits paid to a veteran or directly to dependents.

Points of Contention

- Both the Judicial Branch and the Executive Branch offices under the Oregon Department of Justice (ODOJ) use VA compensation for performing an award of spousal support which is in direct violation of 38 USC 5301 and the US Supreme Court Ruling of Rose v. Rose.
- Both the Judicial Branch and the Executive Branch offices under the ODOJ use VA compensation for performing apportionments for deciding when a combined payment for multiple beneficiaries on the long term. This act refuses to acknowledge the USDVA's superseding authority and ability to provide apportionments more accurately and with direct payment to beneficiaries without delay.

Statement of Legal Interpretation

The Executive and Judicial Branches of the State of Oregon are violating the rights and causing major harm to both our veterans and their children. I have personally been using my own case which is now being presented to the US Supreme Court to deal head first against this issue. Although my case is one of Spousal Support only, the State of Oregon is also violating the rights of our veterans' children. And while I am using my own case in the courts I am supported by veterans nationwide.

The case I have, presents a unique question to the law which has not been decided upon by the US Supreme Court but has been denied review by the Oregon Court of Appeals and Supreme Court of Oregon. Several of the cases of The US Supreme Court have been used to support the opposing views to the veteran. State Courts are divided on their conclusions to this matter nationwide. While those that oppose my position constantly use this as an excuse for their position being correct, it simply shows there is national confusion to the history on this issue. The fact is, it doesn't matter which conclusion you feel is correct. Because of the improper review of the law, and the confusion created by lawyers, most courts drawing the same conclusion rarely have the same reasoning for that conclusion. Because I have taken so much considerable time, I can, with certainty and willingness to put my life on the line, say:

> *"The courts nationwide and people who oppose my conclusions are ignoring the amendments by Congress in this area, are using incorrect interpretations of the rulings of The US Supreme Court and are using flawed logic to make their conclusions."*

The following cases are at the core of these incorrect interpretations. These cases not only show no weight to the opposing arguments they actually support the veteran. Each case was very specific to the points and area of law to which they answered. The US Supreme Court was clear not to make any statement favorable to one opinion or the other outside the question. Courts have misused the declination of The US Supreme Court to speak outside their capacity and to those areas as an affirmation to their views.

In the case of McCarty v. McCarty 453 U.S. 210 (1981) came the question if Military Retirement could be used as income or for an award of Spousal Support. The US Supreme Court was very clear the question at hand was only about Military Retirement and the laws of Title 10. It was not about military disability or about payments for current service. The only relevance this case holds is its place in history of the broader subject. To the current issue it only shows the Federal Law holds supremacy over the States, even in Family Law, for payments to a service member from the Federal Government, even if a specific exclusion within Family Law does not exist.

An example of this incorrect interpretation is the South Dakota Supreme Court case of Urbaniak v. Urbaniak. Here the Court relied on taking a quote of a 1904 case out of context from its use in Hisquierdo v. Hisquierdo. This following quote was originally regarding the authority of Federal Bankruptcy law over State Family Law and authority. "Thus we have held that we will not find preemption absent evidence that it is 'positively required by direct enactment.'", was taken out of context from its root citation of Wetmore v. Markoe, 196 U. S. 68, 196 U. S. 77(1904).

The South Dakota Supreme Court is interpreting this quote to conclude the Federal Government is required to place a specific exemption in the law every time the States create a new process. To the contrary, the rulings of Hisquierdo v. Hisquierdo 439 U.S. 572 (1979) and McCarty v. McCarty 453 U.S. 210 (1981) show The US Supreme Court has and will hold supremacy within Family Law in concerns over any payments made by the Federal Government if a conflict exists regardless of direct enactment. When combined with the broad and specific exclusions of 38 USC § 5301 "under any legal or equitable process whatever" shows favor to the veteran that Federal Law supersedes the State including within Family Law.

The actual purpose of this quote was to demonstrate the requirements the Federal Government must show prior to superseding the respected full authority of the States in Family Law. The remaining portion of this quote from Hisquierdo v. Hisquierdo is: "A mere conflict in words is not sufficient. State family and family property law must do "major damage" to "clear and substantial" Federal interests before the Supremacy Clause will hold that State Law be superseded." Cited from its use in United States v. Yazell, 382 U. S. 341, 382 U. S. 352 (1966).

Any situation where Congress provides considerable Federal budgetary funds for payment to beneficiaries, demonstrates a "clear and substantial" Federal interest. Any conflicting use of funds specific within the area of providing for the Armed Forces of our Country would do *grave damage to our ability to protect America and is within obvious and imperative Federal interests* (emphasis added).

Any State which conflicts with the Federal Laws to provide protection to our veterans for any benefits under Title 38 would threaten grave harm and do "major damage" to "clear and substantial" Federal interests. Any division of a veteran's disability benefits that Congress has not authorized has the potential to frustrate the congressional objective of providing for disabled service members. Such a division has the potential to interfere with the congressional goals of having the veteran's compensation system serve as a reassurance against injury and a promise to our soldiers. It would directly interfere with the enlistment and reenlistment of our *all volunteer* Armed Forces and would discourage orderly promotion and a youthful military (emphasis added).

Because the US Congress responded to the decision of McCarty v. McCarty with new legislation, all of the States readily adopted the laws. However, some States automatically refused accept the limiting exclusions within the same enactment forcing the US Supreme Court to again declare supremacy over the States. In the case of Mansell v. Mansell, 490 U.S. 581 (1989) the question of disposal income as it applies to military retirement was questioned in regards to the enactment of the Uniform Service members Former Spouse Protection Act (USFSPA).

Under 10 USC § 1408 created by the USFSPA is the definition of "disposable retirement pay" §1408(a)(4) which gives States the permission but not requirement for its use in a community property settlement of divorce/dissolution. Under this definition are four types of the retirement funds which a retiree no longer receives and subsequently are excluded from the definition. Item §1408(a)(4)(C) is a specific set of military retirement

funds the retiree can choose to waive in order to receive funds under Title 38. The Court ruled the Federal Law held superseding authority and the *"retirement funds"* being waived could not be considered as disposable retirement income (emphasis added).

This point has been wrongly interpreted by most States including the Oregon Court of Appeals. The question if funds under Title 38 received in lieu of those retirement funds could be used as community property in a divorce/dissolution was *not* provided (emphasis added). Only Title 10 was under evaluation and only the retirement funds which were waived are to be excluded under the definition of disposable retirement funds. To review the protection of the funds under Title 38 which were received in lieu of those retirement funds would have required The US Supreme Court to fully examination and discuss Title 38, corresponding cases and arguments.

The Oregon Court of Appeals interprets the intentions of The US Supreme Court, of only ruling within the question at hand as a refusal to extend protection to benefits received on their own, is considerably flawed. Under this interpretation, the Court was willing to acknowledge the sanctity of "disability benefits that substitute for waived retirement pay" but not those disability benefits that were awarded purely for injuries leading to a disability. This reasoning punishes veterans who have suffered injury early on in their career, are prevented from earning retirement and whose lives will likely be affected for a longer period of time. Other than to show the intent of legislation to maintain protection of veteran benefits under the enactments of Title 38, by enacting exclusions in other areas

of law for funds waived to receive veteran benefits, this case holds no other bearing on the current issue.

The ruling of Rose v. Rose, 481 U.S. 619 (1987) has confuse many if not the vast majority of people nationwide; understandably to an extent as such an extremely complicated ruling. The question was whether a State Court has jurisdiction to hold a disabled veteran in contempt for failing to pay child support, where the veteran's only means of satisfying this obligation is to utilize benefits received from the Veterans' Administration under 38 USC § 314 as compensation for a service-connected disability. This case was based on three major factors; intent of the payment through examination of 38 USC § 101 for definition, Federal superseding authority by examining the requirements and 38 USC § 5301 and if a conflict of laws existed under 38 USC §5307.

The correlation between this case and the current question becomes cluttered as Rose v. Rose was responding to a question of enforcement and not a case specific to calculation. Calculation was conceded but still discussed in order to validate the order to which the veteran was in contempt. Both the case of Mansell v. Mansell and Rose v. Rose expose the precise difference in law between these processes by their discussions of 10 USC § 1408, 42 USC § 659 and § 662. However, in relation to my case and the question of calculation, the process of enforcement is outside that process.

To examine the application of the process of calculation or in consideration of support in Rose v. Rose, we look to answer the first major point. The US Supreme Court determined

the payment in Rose v. Rose was received as a single combined payment of an amount for the veteran and an amount for the children. The veteran and the Veterans Administration conceded the payment was intended and made of funds intended for both the veteran and the children. Additionally, as a result of thorough research of legislative history, the US Supreme Court showed conclusively payments are intended for the veterans and their family. The veteran was awarded a single payment based on him and an additional amount which was awarded for the children as eligible dependents. The payment provided to the veteran in Rose v. Rose could therefore only be defined as a *combined single payment* for the intent and benefit of the veteran and his children (emphasis added).

In our laws we define the family financial responsibility of a person to another by referring to them as a "Dependent". In each area of the law there are different qualifications for that financial responsibility to define "Eligible Dependents". The law provides a unique definition to identify each specific type of person in so eligibility may be determined in administrative processes. A definition in the law is critical in order to assign rights or benefits. The definition of "Child" can be found under 38 USC § 101(4) and the children in the case of Rose v. Rose clearly fit this definition.

On this first point, the case of Rose v Rose loses extensive weight to show these benefits may be used for divorced spouse awards. In fact it shows weight that these benefits may *not* be used (emphasis added). Under Title 38, former, ex or divorced spouses do not qualify as eligible dependents. There is no definition for a divorce spouse as no

entitlements are provided under Title 38. Definitions are provided for "Child", "Spouse" and "Surviving Spouse" as benefits are provided to these dependents. While some might imply the definition of Surviving Spouses includes former, divorced or ex-spouses this is flawed as the expression "divorced spouses" is used within the legal text of Title 38. In the definition of Child, it is used to specifically identify boundaries created by a divorce for excluding specific children from eligibility.

To examine the argument of divorce spouses being under the definition of surviving spouse would be irrelevant to the current question as surviving spouse's are not provided for under §5307. Surviving Spouses are provided though separate provisions of the VA and not through payments to a veteran. The Surviving Spouse is individually awarded their own benefits.

Upon divorce or dissolution of a marriage, benefits paid to a veteran are reduced as the ex-spouse no longer qualifies under the definition of "spouse" 38 USC § 101(31). To imply an ex-spouse qualifies under the definition of "spouse" would be to determine, since the beginning of payments for the family, the United States has failed to pay by intentionally stopping payments of millions of dollars of benefits.

By examining the definition of "Child", the rulings of the Oregon Court of Appeals would hold an ex-spouse would be afforded more benefits than a child adopted by the veteran. Under the definition of "Child" at 38 USC § 101(4)(B)(i)(IV), in cases of divorce, if a child has been adopted by the veteran and were no longer living with the

veteran, the child would no longer be defined as "Child". They are specifically identified as not being entitled to any benefits with the example of "if they are living with a divorced spouse". It is erroneous to believe, congress would provide more benefits to an adult legally removed from the family than a child legally added.

The second major point in Rose v. Rose to be examined was if the Federal Law would supersede the States authority in Family Law if a conflict existed. The US Supreme Court found the same conclusions as discussed above for the cases of Hisquierdo v. Hisquierdo, McCarty v. McCarty and Mansell v. Mansell. The Federal Government has in all of these cases asserted their authority as any conflict would cause "major damage" to "clear and substantial" Federal interests.

This brings us to the final major point in Rose v. Rose. The Court needed to determine if a conflict between the Federal Laws and the laws of the State or actions of the State Court. This critical point of this case was not ruled based on the limits of the exclusion under 38 USC § 5301. The ruling was based on the subsequent provisioning statements of 38 USC § 5307 specific to these eligible dependents.

This was the final determining factor in this case and the only dissenting opinion for this specific point was by Justice White. The carefully worded question of Rose v. Rose was not if a conflict in words between the State and Federal Law existed. Rather the question posed was if the conflict existed because the State did not have the authority to perform the process of apportionment under §5307. The veteran was asserting the Veterans Administration had sole authority to perform this operation under the law.

Because the State Courts do not have access to veterans records, the Veterans Administration would have more resources and experience in veteran law to make the decision. And while, the Veterans Administration has superseding authority to perform an apportionment, the Veterans Administration was not performing its duties by accepting requests for apportionment. This meant the deep moral responsibility of caring for the veteran's children in this and all previous cases fell to the State.

The US Supreme Court ruled there was no conflict. The US Supreme Court found nothing within the laws or Federal regulations declaring sole authority. Nothing was found to preventing the States from performing the act of apportionment. Conversely, given the extensive experience in this area of law and the deep moral requirement to ensure the needs of children are met, the State courts were obviously the next best authority to perform the apportionment. Further more, although the veteran asserted the VA had sole authority, the veteran in this case, was admittedly and in his own actions performing the act of apportionment. The veteran was hardly suited in skill or in lack of ethical conflict to make a determination for the amount of an apportionment. This is why the veteran was allowed to be held in contempt of court by the State.

To the contrary in the issue of Spousal Support, §5307 does not apply. A divorced spouse is not afforded any benefits or rights under Title 38 much less under §5307. The question of conflict therefore falls between the State and 38 USC §5301.

Under Rose v. Rose, The US Supreme Court held that 38 USC § 5301 was strong enough to protect against any claims including those of the family and the depended children in question. This was a point of contention within the ruling. Justice O'Conner filed an opinion which Justice Stevens agreed, which expressed her disagreement with the consensus. In opposition to this opinion, Justices Scalia and White provided their opinions supporting the consensus on this point.

In order to provide for the needs of the veterans family, congress enacted §5307 as provisions against the thorough exclusion of §5301. Without the enactment of §5307, not even children of the veteran would be able to access payments intended for them. The strength of this interpretation is shown through the opposing opinion of Justice O'Conner and the use of the extreme wording of "distains" when she wrote:

> *"I would rest this conclusion, however, on a ground that the Court* ***disdains*** *-- the distinction between familial support obligations and other debts"* and the second statement: *"It is not intended to protect the veteran against claims by his family."*

Nationwide, these dissenting statements have been mistakenly asserted as the consensus of the US Supreme Courts and part of the ruling. These mistakes have been the force behind grave damage against our veterans and their civil rights. The US Supreme Court has always provided statements respecting the States for their authority within Family Law. Given the grave importance for protecting our country, I ask the Oregon Legislation

to make a statement to the Oregon Judicial and Executive Branches regarding the need to respect the Federal authority in the laws of our current and former service members.

Oregon and many other States are too ready to challenge the Federal Authority in this area of law. Having this quick of a jurisdictional contention in the legal areas of bankruptcy, education or commerce would certainly be understandable when compared to the States rights to Family Law. However, the automatic responses by the States to refuse to abide by Federal Law in the area of National Defense and to the people who put their lives on the line to protect their rights, boarders on intentional sabotage of our country's safety and potentially treason. My opinion of this specific point and language in this matter may be seen as extreme by some but given the extreme nature of the offences by the State of Oregon, this opinion should command respect. It is equal and proportionate to the transgresses being done

Nationwide the State Courts have done horrific damage against our veterans by their refusal to accept the changes made by the Legislative and Executive Branches of the Federal Government without a definitive statement by The US Supreme Court as the Judicial Branch. I can provide a direct correlation between the court rulings and the suffering of our veterans. I have documented evidence showing these rulings have caused everything from homelessness to some extreme cases of suicide.

As you can see from my argument against the use in Spousal Support, I may appear to have strengthened the argument for its use in Child Support Cases. To the contrary, I

have exposed a very specific set of conditions which had to exist in order for the States not to be in conflict with the Federal authority and that a case must match these unique situations in order to do so. This also brings me to the second part of my original statement. Many States will ignore any new enactment by the US Congress unless that enactment is giving them permission to more rights. I remind you of the reason Mansell v Mansell was brought to the US Supreme Court. It was because some States had eagerly adopted the provisions of the USFSPA but were also just as eagerly willing to cause major damage to our Country by ignoring exclusions within the same enactment.

It is important to note the history of our Country, the cases that have been heard and specifically the law 38 USC § 5301. The current version of § 5301 was reassigned from § 3101 after the Rose v. Rose case although the language is the same. This is because the rulings of the US Supreme Court carry such enormous weight with the other two branches of our country. It is well known, the US Congress has responded to the rulings of The US Supreme Court. It was also discussed in the case of Rose v. Rose.

> *"After our decision in Hisquierdo, supra, Congress amended the Railroad Retirement Act's prohibition against garnishment and attachment so that retirement annuities could be characterized as community property. See 45 U.S.C. § 231m(b)(2) (1982 ed., Supp. III) (enacted in 1983). A comparable congressional response followed our holding in McCarty, supra, that military retirement benefits were the express personal entitlement of the retired military member, and*

therefore could not, consistent with the intent of Congress, be divided as community property."

This clearly shows the Federal Legislative branch will respond to The US Supreme Courts ruling when shown the laws to conflict with the morals and principles of America. Thus I begin the exploration of history since the ruling of Rose v Rose and the need to respect to the Federal authority for performing apportionments under § 5307.

In the case of Rose v. Rose the US Supreme Court identified 3 clear points in the ruling. The Court ruled, nothing in the current language of the law provided the Federal Government held sole authority over execution of § 5307 or any provision under Title 38. They were very clear the ruling was considerably influenced when shown the existing Executive Branch office of Veterans Administration was not performing its duties and providing the apportionments for veteran's children. It was also ruled the exception to enforcement using veterans benefits was only limited in nature under 42 USC § 659 and § 662.

This is why, just like after Hisquierdo v. Hisquierdo and McCarty v. McCarty, the US Congress immediately responded to the ruling of Rose v. Rose. To address all of the problems with the VA for properly awarding benefits, the US Congress enacted the Veterans' Judicial Review Act of 1988. This was one year after the case and immediately closed the final point of the Rose v. Rose. The US Congress under this act declared sole and complete authority over performing any and all actions under Title 38, including the

act of Apportionment under § 5307. However, this does not mean the Federal Government would turn a blind eye to veterans' children in ensuring they received their entitled benefits.

In the next year after that in1989, President George H.W. Bush (Sr.) dissolved the Veterans Administration for its failures in providing for America's veterans and their families including those identified in the case of Rose v. Rose. The President then created the U.S. Department of Veterans Affairs (USDVA). The top position was escalated to Secretary and to a presidential cabinet position. This was done to provide the President a direct line of contact and influence into the USDVA. This action demonstrates the President holds the care of our veterans and their families to the highest degree of responsibility to the Federal Government and Federal interests to guard our nation.

Since its birth, the USDVA has maintained an active collaboration with the US Administration for Children and Families in order to perform apportionments. The USDVA is currently paying monthly on thousands of approved apportionments. The USDVA is now asserting its authority to perform apportionments and the States are no longer bound by the deep moral imperative. Be that as it may, the States will typically remain the front line of defense for the care and welfare of our children. As I too hold deep morals for the care of our children, I believe I can make the proper argument; the States could have the right to perform temporary acts of apportionment while instructing beneficiaries to complete the single page application for apportionment with the USDVA.

By covering these two areas, one might think it would have solved the problem. However, this under estimates the States automatic disregard for Federal Authority, even if it means causing harm to the veterans children they are pretending to protect. There probably would have been not further need for change had the States properly acted. In fact, in my personal opinion while the next amendment was necessary to help stop States from violating the rights of the veteran it has forced the US Congress to expose a much unspoken moral and principle in our country. That moral and principle is, without our soldiers, children have no rights. And in the very severest of question between the choices under National Defense, the soldier and veteran takes priority over a child.

This comment will typically cause all air to leave the room as people gasp. However, after calm exploration of this issue, I will tell you this is not the only example of this and it is prevalent in our laws and especially in our rules of engagement for war. I am reminded of a stern speech given to train me in the protection of the nuclear arsenal I was to be guarding. I was told, if a critical nuclear bomb, weapon or piece was being stolen and the only chance I had to stop the perpetrator was to open fire and brutally slaughter a packed room full of nuns and children, I would be court marshaled in I didn't. You might chalk this up to the exuberance of a trainer from 20 years ago so let me give you an example from current history.

I bring your attention on the recent news of a Sergeant Dakota Meyer who was presented the Medal of Honor by President Obama. The reason he received this metal was because he ran in and out of ambush crossfire for six hours rescuing wounded in an effort to

rescue four trapped US soldiers. I don't call on this example because of this soldier but because of the two Officers in the command tent who allowed the situation to persist.

The four trapped soldiers repeatedly requested an air strike. In their final Statements they told the command tent soldiers, "If you don't send it, we're dead". The reason the air support was refused was because they determined the strike would land too close to a village filled with women and children and they could not morally send fire which might hit them. After the incident, and the deaths of these four soldiers, this moral decision was explored and the two Officers in the command tent were found to have made the wrong moral decision. They wrongly chose the lives of children over their soldiers.

These men have been severely reprimanded for making a bad decision in the heat of battle. These men have had their carriers terminated. They will not be able to re-enlist. They will not qualify for any retirement benefits. When they are discharged, they will not receive an honorable discharge. They will not be eligible to apply for veteran benefits. They will lose many rights of the average citizen. They won't be able to pass security background checks. They will not be allowed to buy or own a gun. They will have a difficult time trying to get even the lowest paying job. These are the repercussions two soldiers will face because they made the wrong decision of children over soldier in the heat of battle. They will endure these repercussions for the rest of their lives. Without a conviction to their names, they will be treated as felons.

Because of failures of States like Oregon, the laws to enforcement were amended. Under 42 USC § 659 certain monies paid to Federal employees may be garnished for the purpose of meeting child support and alimony obligations, notwithstanding any other provision of law. Monies subject to the process of garnishment include compensation for service-connected disabilities when the veteran is in receipt of retired pay and has waived a portion of retired pay for disability benefits. §659(h)(1)(A)(ii)(V).

In 1997 Congress added section (h)(1)(B)(iii) to the statute, which creates an exception for periodic benefits awarded under title 38 (i.e. VA disability benefits), except as provided in subparagraph (A)(ii)(V). Thus, when a veteran only receives disability benefits from the VA, those benefits cannot be diverted away from the veteran for the purpose of fulfilling child support or alimony payments. Any arrearages would continue to be available from other sources of income such as Social Security funds a veteran would be entitled from working for the military and others.

The States have shown they refuse to acknowledge these rare cases where the Federal Government must hold authority to protect our country, unless declared by the US Supreme Court. I ask this committee to ensure future violations of grave importance are not made against our service members by elaborating within your letters and discussions on these areas of law.

As I look back at the case of Rose v. Rose, I agree with both the consensus and the opinion of Justice Scalia that the State in this case and all previous cases, needed to

perform the act of apportionment based on the deep moral imperative to care for America's children. However, because of the response by Congress and President George H.W. Bush (Sr.) to the failures of the Veterans Administration, the States need to recognize the Federal superseding authority when an apportionment is made by the U.S. Department of Veterans Affairs. To the contrary, the States have taken the ruling to the extreme opposite by asserting *the State has sole authority* to perform the apportionments (emphasis added). Some States will continue to award additional support based on the benefits solely for the veteran, even when the VA has performed an apportionment.

The States should in fact welcome these apportionments and instruct parties to apply through the US Department of Veterans Affairs. This releases them from the burden of dealing with the division of these funds in the longevity of a case but still allows them to perform these apportionments on a temporary basis to ensure veterans children receive the funds they need. It also ensures for the long term enforcement of child support, speedy payment of these funds is made as they would come directly from the USDVA, instead of winding their way through the system from the VA to the veteran and the enforcement agency before making their way to the child. Not to forget, payments by the USDVA, unlike most child support payments, are subject to the annual cost of living increases.

With all of my efforts and the full backing of the law, the State of Oregon has failed to listen to and fix their failures and abuse of our veteran and their children. I have now been force to handle this through Federal processes. I have mentioned I am taking my

case to the US Supreme Court. However, that is not the only branch of our Federal Government. The next appropriate area for me to take this has been to the Administration of Children and Families (ACF), under the US Department of Health and Human Services. The Federal Law requires all States to have a Child Support Enforcement (CSE) system. The ACF is there to provide assistance to States and ensure the States comply with Federal Law.

One major part of the ACF's function is to award money grants to States for projects and ongoing continuation of services within the State. Oregon receives millions of dollars for use in its CSE budget. As a matter of fact, two thirds of Oregon's entire CSE budget comes from the ACF. The only one major rule Oregon has to follow in order to get these funds is abided by the policies of the ACF.

Now that you are aware of this you can see the extreme consequences Oregon faces because of its eagerness to do major damage to our veterans and their children. The Judicial and Executive Branches have now placed the security of all of the children provided for under CSE are in jeopardy of losing the funds necessary to ensure their care. Imagine having to layoff, shut down and consolidate two thirds of our people and services just to continue providing some minimalistic form of services.

I refuse to allow Oregon State Officials to put all of Oregon's CSE provided children in danger because of their blatant disregard for our veterans and their children. I acknowledged the legal requirement to stop our funding and the reasons for this law. I

have compassionately pleaded the ACF, in spite of Oregon's offences and the strict language of the law, not to withhold funding. I have instead offered them a plan to help bring Oregon back into compliance through education of the existing policies.

In the end, Oregon's refusal to abide by one HHS information memorandum and two ACF policies are what place our State in jeopardy. Oregon State offices and Courts are going to have to stop misusing veterans benefits by including these funds any where in our process. Oregon is going to have to use the provided single page application for Apportionment to the USDVA in these cases. Our existing cases will need to be reopened and recalculated to ensure compliance. We have the deep moral obligation to protect both our veterans and all children of Oregon.

The State of Oregon is in direct violation of veteran civil rights. The superficial reasoning they are acting on behalf of children is blatantly obscene as they are in fact causing more damage to the care of children. At a bear minimum Oregon is causing a 30 to 90 day delay in the payments our children's. The evidence provided combined with the inconsistent rulings, demonstrates the failure of Oregon Courts on apportionment and makes their position egregiously immoral. The use of Oregon rulings as justifications in courts nationwide, speaks loud and clear. The State of Oregon is leading a national charge to abuse and violate the rights of our veterans *AND* their children