

Valentini v. Shinseki

The suit was filed in federal court in Los Angeles on June 8, 2011; case number: CV 11-04846.

Valentini v. Shinseki is a class action federal lawsuit against the Federal Government’s Department of Veterans Affairs Secretary Eric Shinseki and the director of the VA Greater Los Angeles Healthcare System on behalf of homeless veterans with severe disabilities.

The veterans are represented by the ACLU Foundation of Southern California; Laurence Tribe, a Harvard law professor; Ronald Olson, of Munger, Tolles & Olson LLP; Arnold & Porter LLP; Inner City Law Center; Gary Blasi, a UCLA law professor; and Massey & Gail LLP.

Below, we the ACLU of Southern California have attempted to lay out our contentions and what we understand the government’s responses to be, so the public can best understand the dispute. Any misstatement of the VA’s position was inadvertent and will be rectified immediately. Please note that litigation is dynamic and positions on both sides may change as it moves forward.

We, the ACLU of Southern California, Say	They, the Dept. of Veterans Affairs, Say
1. The federal Department of Veterans Affairs (VA) has unlawfully misused large portions of its 387-acre West Los Angeles campus and failed to provide adequate housing and treatment for the people it was intended to serve.	The claims in the lawsuit have no merit, and the suit should be dismissed.
2. The property was deeded in 1888 by private citizens – Senator John P. Jones and Arcadia B. de Baker, and their successors — to the federal government specifically to house and care for disabled veterans in perpetuity. The 1888 deed states , in relevant part, that the government is to “locate, establish, construct and <i>permanently</i> maintain a branch of [the] National Home for Disabled Volunteer Soldiers.” (emphasis added)The deed should be enforced as written by the donors and accepted by the government.	Although the deed confirms that the reason the private citizens donated the land was so that the government could maintain housing for disabled veterans, the VA had no legal obligation to honor that purpose once the land was donated. There is no “cause of action enforceable in . . . Court.” (U.S. Department of Justice supplemental brief, filed 11/14/2011)
3. For about 80 years, roughly between 1888 and 1968, the property housed the Pacific Branch Soldier’s Home, which provided a permanent home along with medical and therapeutic services for tens of thousands of disabled veterans.	No dispute.
4. The VA offers no long-term or permanent housing for veterans at the campus. It is unclear when precisely or why the VA stopped providing a permanent home for veterans.	The VA does not offer housing at the campus. (Government answer to first amended complaint, 05/07/12)

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5. Roughly 8,000 homeless veterans now sleep on Los Angeles streets on any given night – this is nearly 10 percent of the nation’s homeless vet population and the highest number anywhere in the country.	No dispute.
6. Without offering long-term or permanent housing, the VA denies veterans with severe mental disabilities access to the health benefits offered at the campus. As the VA’s own experts have acknowledged in numerous reports and published papers, individuals with severe disabilities who are also homeless cannot consistently access the services they need to address their disabilities unless they have stable housing that is accessible to the services.	Providing long-term or permanent housing is not among the VA’s responsibilities. (Government attorney’s statement during September 8, 2011 status conference)
7. Many homeless veterans struggle with mental disabilities, including post-traumatic stress disorder, as a result of their military service.	No dispute.
8. Beginning at least as early as 1989, the VA has leased about 110 acres of the campus to various entities that have nothing to do with serving veterans: a city dog park, a car rental company, and a hotel laundry facility, among others.	The VA has entered into multiple lease agreements, which are statutorily authorized. (Government answer to first amended complaint, 05/07/12)
9. As a result of the leases and land deals, veterans have limited access to or are prohibited from accessing 110 out of the 387 acres of the property.	The land deals do not limit veterans’ access to the campus. (Government answer to first amended complaint, 05/07/12)
10. Despite repeated requests, the VA has not publicly disclosed how much the land is being leased for, who negotiated the deals or how they were negotiated, or whether or not income from those deals is going to help America’s veterans.	The VA has not publicly addressed this issue.

For more information about this case, please contact:

ACLU of Southern California Communications Department (213) 977-9500 ext. 253 http://www.aclu-sc.org/valentini/	U.S. Department of Veterans Affairs Public Affairs (310) 268-3340 http://www.losangeles.va.gov/index.asp
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