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Bernklau's Barrage: Is this Justice?

Article by Arthur Bernklau of Veterans for Constitutional Law, Ltd.

If you have ever read my articles, you have most certainly heard me tell of the Department of Veterans Affairs (VA) scams to victimize disabled veterans and America's tax payers. You may have even read my article about 12 employees of the Atlanta, Georgia VA Regional Office who were accused and indicted of an incredible scam of defrauding the "agency" (VA), dead veterans, their families and survivors of over 11 million dollars during a period of several years.

The money they stole was earmarked for deceased veteran benefits - it ended up in the pockets of VA employee "freeloaders." The ringleader of this thieving group was Sarah Prater, not only a Senior Claims Supervisor, but also the congressional liaison. Prater used her special security clearance to access and falsify files of deceased veterans. She manipulated VA records to arrange for millions of dollars in benefits from at least 20 dead veterans with no beneficiaries.

Officials became suspicious in August of 2001 when the benefit payments were deposited in Ernest L. Thornton's account, another thief in the plot. Authorities say they identified 246 fraudulent payments totaling \$5.9 billion between July 1996 and August 2001.

This, from the VA who denies many meritorious claims of "VA chicanery" and claims of inherent mean-spiritedness? I say that it is past time to shut down the VA Benefits Claims system and turn the responsibility to the social security or to create a new government agency with some integrity.

There needs to be a very specific, in-depth investigation of the VA's benefits methods and their symbiotic relationship with National Veterans Service Organizations, and certain members of the veterans committees of both houses of congress. I'm certain that such an investigation would reveal more corruption. The good news is, finally, the 12 scammers employed by the Atlanta VA Regional Office have been found guilty as charged (in December 2002) and have been sentenced to prison terms ranging from 2 - 13 years.

In a press release from the VA titled, "Last of 12 Sentenced in VA Fraud" Anthony J. Principi, Secretary of Veterans Affairs, stated, "We can take some comfort in the fact that no veteran was deprived of his or her rightful benefits as a result of this fraud." Why, then, has the VA not had to pay one cent of the interest nor any equity penalty for their actions? The VA claims that such monies cannot be paid by the VA because the Secretary has no powers of equity.

This, I know for a fact, is false. The Supreme Court discussed the "no-interest" rule extensively in the "Library of Congress v Shaw". The US Court of Appeals for the Federal Circuit confirmed the applicability of the rule in veterans' benefits claims in "Smith v. Principi." For those of you who want to reference the law, see the "VA Equitable Relief Statute" at USC 503 and 38 USC 502 (a).

In closing, I leave you with some important questions. Why did only one newspaper carry the story of these 12 former VA employees being found guilty? This was a monumental decision, how did the VA block-out this news, which concerns every American, not only veterans?

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