



STATEMENT OF

**JOSEPH E. DAVIS
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VETERANS OF FOREIGN WARS OF THE UNITED STATES
WASHINGTON OFFICE**

BEFORE THE

**SUBCOMMITTEE ON NATIONAL SECURITY, HOMELAND DEFENSE
AND FOREIGN OPERATIONS
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES**

WITH RESPECT TO

PROTECTING MILITARY SERVICE RECORDS & AWARDS

WASHINGTON, DC

FEBRUARY, 29 2012

Mr. Chairman and Members of this Committee:

On behalf of the 2 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, I would like to thank you for the opportunity to present our views on fabricating military service records and awards; making records available for verification; and the need for the government to better maintain adequate databases to track and ease access to military service records.

One of the greatest threats to small unit morale is a barracks thief. It is an egregious violation of personal space, property and trust, plus it sows seeds of suspicion among those who must depend upon each other to fight, win and survive our nation's battles. Upon discovery, the thief is dealt with severely, principally on charges of robbery under Article 122 of the Uniform Code of Military Justice, or UCMJ.

America's wars of past and present have produced thousands of true military heroes who were properly recognized for their selfless service and bravery, and untold more whose heroic actions died with them in battle. For those few who survived, and to the memories of those who did not,

the Stolen Valor Act of 2005 was enacted to protect them against false heroes who seek public acclaim and personal gain during an era of great public respect for the military institution as a whole, and for those men and women who wear or have worn the uniform.

There is a current case before the U.S. Supreme Court in which the VFW is the lead cosigner of an amicus brief to uphold the Stolen Valor Act of 2005. We fully believe that this law should be upheld, and that all punishments be swift, severe and made public to the broadest extent to help deter others who might consider stealing another's valor by impersonating a true military hero.

The constitutional issue before the Supreme Court is whether lying has First Amendment free speech protections. That is not the purpose of this hearing, but we do ask that the committee use this opportunity to require the military services to better document military awards for valor for verification purposes.

All military decorations are government-issued, yet there is no government-run, searchable military decorations database that catalogs the awards. Instead, this function has been ceded almost entirely to nongovernment entities that may or may not have access to complete lists—if such lists exist at all.

Four of the five military service websites list their own Medal of Honor recipients—Marines are listed on the Navy website—but only the civilian enterprise Military Times Hall of Valor, and the nonprofit Congressional Medal of Honor Society, list all recipients going back to the medal's creation during the Civil War. (Note: The U.S. Army Center of Military History maintains an all-service Medal of Honor webpage, but its information comes from the Congressional Medal of Honor Society.)

With regards to the nation's second highest medal for bravery—the Army's Distinguished Service Cross, Navy Cross and Air Force Cross—there is no complete list of recipients on any military service website, just press releases and articles written for internal consumption. The Air Force's Air University does maintain a list of Air Force Cross recipients, but only of enlisted personnel.

The Military Times Hall of Valor is the unofficial records keeper, and its founders and chief researchers, Doug and Pam Sterner of Alexandria, Va., are recognized experts for verifying recipients of the military's top medals for valor, and for exposing frauds, as well.

Hall of Valor lists almost 100,000 medal recipients, to include all 3,475 Medal of Honor recipients, plus 13,458 soldiers having received the Distinguished Service Cross, 6,939 sailors and Marines the Navy Cross, and 194 airmen the Air Force Cross. It also lists well over 24,400 recipients of the Silver Star, which is the nation's third highest medal for valor.

A civilian entity has accomplished all of this through open source documents, FOIA requests and perseverance, and Hall of Valor has done it to an extremely high-degree of accuracy. The question this begs is why haven't the military services taken the initiative to properly document for posterity the medals they issue?

In an April 2, 2009, response to (then) House Armed Services Committee Chairman Ike Skelton, the Department of Defense determined that a searchable military decorations database “would have little utility for reducing the number of fraudulent valor award claims.”

Among DOD’s reasons to reject the notion of a searchable military decorations database was Privacy Act concerns, a \$250,000 cost estimate, redundancy (because of the Congressional Medal of Honor Society listing), and that their inability to list all valor award recipients (due to the 1973 National Personnel Records Center fire in St. Louis, etc.), would render the database incomplete, and therefore, not completely accurate.

The VFW disagrees. A searchable military decorations database is doable with the millions of available records, as well as with duplicate records housed at National Archives facilities. And the longer DOD and/or services delay doing what we hope Congress makes inevitable will only make the task more difficult.

Preserving military heritage demands an electronic accounting of more than just who was the umpteenth commander of which ship, division or service. It demands an official and verifiable record of battles and maneuvers, and of the units involved. More so, it demands that those servicemen and women who excelled under fire be recognized and entered into the permanent history of that service.

A searchable military decorations database is the only responsible way to properly document the medals the military issues, which would also help the Department of Veterans in their mission to provide healthcare, disability compensation and burial services to eligible veterans.

The key to all VA programs and benefits is an accurate DD Form 214, Certificate of Release or Discharge from Active Duty—which DOD began issuing to separating and/or retiring military members in 1950—and individual military medical records, which help to prove service-connection for injury and illness claims.

A claim to be a former Prisoner of War with a Purple Heart, for example, places the veteran into VA Priority Group 3, just behind those veterans with 30-percent or more service-connected disability ratings. However, an unchallenged claim to be a former POW could also make it easier to increase a disability rating and, therefore, more compensation.

In an April 2009 article by *The Associated Press*, the Defense Department said there were 21 surviving POWs from the first Gulf War, yet the VA was paying disability benefits to 286 former service members who claimed to have been taken prisoner during that conflict. Similarly, DOD recognizes that 661 former POWs returned home alive from the Vietnam War. About 100 have since died, but the VA in 2009 was paying disability payments to 966 purported Vietnam POWs. AP also wrote that one Korean War veteran’s made-up story earned him more than \$400,000 in benefits before he was exposed.

It is absolutely necessary for the military services to take better ownership of their personnel recordkeeping, and to do everything possible to eliminate “holes” in service records, such as

when a medal recommendation is not processed or approved until long after the recipient has separated from service—or in some cases, died.

The onus to correct DD-214s has always been on the individual, which can be even more difficult for members of the Guard and Reserve.

For example, a coworker at the VFW Washington Office learned a year after he was released from active duty that he had been awarded a Bronze Star for his meritorious service in Iraq in 2004. He has a copy of his medal certificate and an orders number, but for almost seven years has been unsuccessful in tracking down the original documents in order to correct his DD-214 and accurately reflect his wartime service. He has corresponded numerous times with his former Army Reserve unit, his gaining unit, the 4th Infantry Division, and with the Army's Human Resources Command, which responded to his latest request earlier this month that their records on him may be incomplete.

Mr. Chairman, if the above 30-year-old Iraqi veteran, who because of his position with the VFW is immersed in the ways of the government bureaucracy on a daily basis, continues to have great difficulty in accessing and correcting his own military records, how difficult must it be for potentially hundreds of thousands of other veterans from this and previous generations who don't regularly interact with the system?

Computers may have made things faster, but computers have not made the military personnel system any better. The services must do a better job administratively, which is one of the primary reasons why we are here today.

We have the most powerful and technologically advanced military in the history of the world, yet we have a personnel system that continues to focus more on recruiting and retention than on the high-quality people they return to civilian society after four or 40 years of honorable service to our nation.

There is absolutely no excuse in the year 2012 that the entire military personnel system cannot immediately find and correct errors and omissions in military service records, but it continues to happen right now today. There is equally no excuse that these records are difficult to access—much less to correct—after the service member separates or retires.

The civilian public's disconnect with the military is already huge. The Veterans of Foreign Wars of the U.S. asks for your help to not allow the military to exacerbate its own disconnect with their own service members, veterans and retirees. Those who serve our nation in uniform deserve so much better service.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions that you or the other members of the Committee may have.

Committee on Oversight and Government Reform
Witness Disclosure Requirement – “Truth in Testimony”
Required by House Rule XI, Clause 2(g)(5)

Name:

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2008. Include the source and amount of each grant or contract.

None

2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

Veterans of Foreign Wars of the United States

Director of Public Affairs
VFW Washington Office

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2008, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

None

I certify that the above information is true and correct.

Signature:



Date:

Feb 24, 2012



Joseph E. Davis
Director of Public Affairs
Veterans of Foreign Wars of the U.S.
Washington Office



Joe Davis joined the staff of the VFW Washington Office as director of public affairs in April 2004. His duties include serving as national spokesman for the 2 million-member organization on issues ranging from national security and foreign affairs to the care and proper treatment of veterans, service members and their families. Prior to accepting this position, he was the director of communications for the regional headquarters of Goodwill Industries.

Davis enlisted in the Air Force in March 1976 and reached the rank of Staff Sergeant when selected to attend Air Force Officer Training School. He would retire in the rank of Major in April 2000, with an overseas deployment history that included assignments with U.S. Central Command in Operations Desert Shield and Desert Storm in Saudi Arabia and Kuwait; the 1st Marine Expeditionary Force in Operation Restore Hope in Somalia; and U.S. European Command in Operation Support Hope in Rwanda, Zaire and Uganda.

He was chief of public affairs for Myrtle Beach AFB, S.C., Luke AFB, Ariz., and Hickam AFB, Hawaii, and was also the acting chief of media for Headquarters, Air Mobility Command, Scott AFB, Ill. Prior to his military retirement, he was the deputy chief of public affairs for what is now the Joint POW/MIA Accounting Command.

Among his military decorations are the Defense Meritorious Service Medal, four Meritorious Service Medals, two Joint Service Commendation Medals, the Armed Forces Expeditionary Medal, Humanitarian Service Medal, and the Southwest Asia Service Medal with three campaign stars.

Davis earned a bachelor's degree in business administration (marketing) from Christopher Newport University, Va., and a master's degree in business administration and management from Webster University, Mo.

He joined the VFW following his service in Somalia, and is a Life Member of VFW Post 3391 in American Samoa. He is also a member of the Air Force Association and the Military Officers Association of America.

He and his wife, Mary, reside in Alexandria, Va.

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