



JOURNAL

A Public Policy Monthly from the Citizens League

**Citizens
League**
Common ground. Common good.

Volume 25 • Issue 2
February 2008
www.citizensleague.org



When soldiers come home communities benefit

Returning vets' skills and leadership needed to solve problems here at home

by Annie Levenson-Falk

In a special issue of the *Minnesota Journal* this month, we examine the challenges and opportunities that Minnesota faces as more than 2,600 men and women return from military service abroad.

We are all familiar with stories of the difficulties service members face adjusting to civilian life, and these are very real challenges. But it's less frequently that we hear about the valuable skills and experience veterans bring back with them and the great opportunity this presents for employers, communities, and our state.

To explore these opportunities, the Citizens League has joined with state lawmakers, veterans groups, the National Guard, and many religious and community groups in the Warrior to Citizen campaign, a grassroots coalition organized by the Hubert H. Humphrey Institute's Center for Democracy and Citizenship.

The Warrior to Citizen campaign challenges citizens to find ways to tap the new skills, talents, and leadership abilities of returning veterans, and to engage them in education, faith, civic, government, and community life. In doing so, it offers veterans unique ways to reconnect with the communities they left behind.

This issue of the Journal is devoted to exploring these opportunities through the voices and stories of Warrior to Citizen members. Minnesotan and Army National Guard Capt. Lindsey Kimber explores how the Servicemembers Civil Relief Act serves—or

fails to serve—our military men and women. Returning veterans Jodi and Brian Bean, husband and wife, discuss their transition from military to civilian life. Minnesota Court of Appeals Judge Renee Worke and state Senator Tarryl Clark examine some of the legal challenges veterans face.

While we must focus on the very real and serious needs of our returning veterans, we must also remember that our veterans should not necessarily be thought of as victims. They are citizens returning from serving their country in difficult circumstances, and one of the best ways to honor their extraordinary efforts is to ask them to continue that service at home, as citizens. ●

Annie Levenson-Falk is the membership and policy assistant for the Citizens League and its liaison to the Warrior to Citizen campaign.



INSIDE

2

Connections

3

Viewpoint:
Challenging citizens
to become warriors

4

The transition to
civilian life isn't as
easy as it looks, say
combat veterans Jodi
and Brian Bean

7

Addressing the
abuses of power of
attorney

8

Talk is cheap;
defending your rights
can be costly

11

BCBS targets mental
health issues

Bloomington
response to the call
for civic action

CONNECTIONS

Building a League of Citizens



Daniel Getahun from the Minnesota International Center talks with a potential volunteer at Connect for a Cause, a volunteer speed-match event organized by the Citizens League Public Leadership Action Group. Over 75 people attended the event and were given the chance to connect with 19 organizations in need of volunteers.

Students Speak Out Update

Last summer, the Citizens League launched www.StudentsSpeakOut.org, a social networking website to elevate student voices in education policy conversations.

Now, two student groups are working to come up with solutions to policy problems they have identified in their schools. One group, made up of four students from the Minneapolis Public Schools and one student who left the public schools for a charter in Saint Paul, is focusing on whether increasing trust between students and teachers can decrease bullying and harassment in schools. The other group, including students from Alternative Learning Centers and charter schools, hypothesizes that assumptions people make about students who attend learning alternatives impact decisions made about alternative schools and about who gets to attend them.

Both groups are seeking input—especially from students, but also from parents, teachers, and former students—on www.StudentsSpeakOut.org. You can share your story on the website's discussion forums, upload a video, take a survey, or just join in the conversation. Anyone who posts their story (and is 22 years old or younger!) will be entered to win a Sony web-sharing camcorder!

**community connections
calendar** • point • click • engage

www.pointclickengage.org

Looking for public affairs events from the Citizens League and other local organizations? The Community Connections Calendar is your one-stop shop for public affairs events in the Twin Cities.

New members, recruiters, and volunteers

New & Rejoining Members

Tal Anderson
Colleen Arons
Jonathan and Anna Bohn
Amy Brugh
Xandra Coe and Judy Meath
John B. Davis, Jr.
Nelson and Kriystauhl Fitchett
Janne Flisrand and Andrew Bogott
Rachel Huss
Evelyn Kelly
Luebbert Kruizenga
Leslie Kupchella
Melissa Madison
Gene Martinez
Barbara Milon
Herbert Mohring and Mary Jane Larsen
Dick Nowlin
Robert Nygaard
Rebecca Olson
Mary C. Regan
Jay Sjostrom
Michael Skoglund

Linda Stone

Sue Warner

Reede Webster

Thomas Wolfgram

Curt Yoakum

Firms and Organizations

Anchor Bank St. Paul

Allan Baumgarten and
Marilyn Levi-Baumgarten

City of Moorhead

Flannery Construction Inc.

Macalaster College

Minneapolis Association
of Realtors

Minnesota Historical Society

Northwest Area Foundation

Recruiters

Christa Anders

Nate Garvis

Jean Sazevich

Volunteers

Judy Berglund

Cal Clark

Christopher Orr

Andrea Pasiuk

Take advantage of the Citizens League's new, flexible dues—give a gift membership or recruit a friend to join!

Last year, you told us you belong to the Citizens League because you want support and participate in an organization that provides trustworthy information about important policy issues, and helps Minnesota make real progress on these issues. Help us extend this opportunity to more Minnesotans! Tell your friends about our flexible dues option (suggested dues now start at just \$25!), or give a gift membership.

Visit www.citizensleague.org or call 651-293-0575 for more information.



Our challenge isn't warrior-to-citizen, it's citizen-to-warrior

What our returning service members can teach us about civic participation

by Sean Kershaw

"If a nation does not educate its warriors to be philosophers, nor its philosophers to be warriors, its philosophy will be crafted by cowards and its wars fought by fools."

This quote from Michael Hartoonian, professor emeritus at the University of Minnesota, got me to thinking recently. What if we substituted "citizens" for "philosophers" in this sentence? What's the relationship between warriors and citizens, and how do the two inform each other and our democracy?

There are aspects of the warrior mindset that our civic life and democracy desperately need right now. And there are lessons that we can all learn from our service members returning from Iraq and Afghanistan as together we work for reintegration into civilian life.

It is not a job we have always done successfully—and we're not doing it as well as we could right now. Read the headlines about the poor quality of care at our veterans homes. Look at the percentage of homeless who are Vietnam vets. Consider what the federal government did to Minnesota's own Red Bull Brigade—effectively denying them enhanced benefits after extensive duty by discharging them just one day early. Our interview with two returning veterans in this issue of the *Minnesota Journal* indicates that we don't sufficiently value the employment skills of returning service members. Given the quality of health care available to returning vets, the Army's new slogan, "An Army of One," appears to mean that you are on your own if you return home injured. I fear the potential for crime, abuse, and suicide among vets if we continue to get this "welcome home" wrong.

But we can get it right, by using their skills and knowledge and the lessons they have learned fighting for democracy in another country to strengthen our democracy and civic infrastructure here at home. And we honor their service to our country by doing so.

Policy problems and civic obstacles seem less insurmountable when compared to life-and-death experiences overseas.

Citizens as warriors

Our veterans' experiences working together in difficult and dangerous circumstances can teach us all something about what it means to fight for a common purpose despite enormous odds and personal differences. How can we apply these lessons to help us overcome our petty partisan differences and single-issue tendencies?

We can learn from them about adaptability and doing whatever it takes to achieve a mission to help us make the difficult political and policy transformations needed to improve our schools, our health care delivery system, and our roads and transit systems.

The military is no democracy, but it is a system that values accurate information and informed decision making. How can we use those skills to argue better and solve problems collectively?

We can also learn from our vets about courage and leadership. Policy problems and civic obstacles seem less insurmountable when compared to life-and-death experiences overseas.

Warriors as civilians

As a group, the sheer number of returning soldiers is likely to strain our social service and health care systems. But the failings these demands are likely to expose will only highlight the systemic policy changes that we should make anyway.

Our social service systems too often treat people as passive consumers instead of people with the real capacity to become well and contribute to our economy and society. Our medical systems need dramatic transformation to improve cost, quality, and access, and we need a new health

delivery system to replace our system of medical services.

Our post-secondary and retraining programs are inadequate to meet the economic demands ahead for veterans and for society in general. Many of these military men and women put their life on the line because it was the best way to pay for an education. We need to make sure they receive the benefit they have earned, and we need to remake the system so that military service isn't the only option for low-income students who want to attend college.

Civic organizations everywhere, including the Citizens League, need to make it easier for returning vets to participate in civic life and to build their civic capacity and policy skills.

These returning service men and women can provide us with the catalyst we need to transform our policy and practices to better meet the challenges ahead.

An inter-generational opportunity

We've learned from our returning veterans before—with tremendous success. The generation returning from the Mideast now is part of a new emerging "civic generation" that has more in common with the World War II generation than with Generation X or the Baby Boomers. Their civic optimism and their commitment to civic roles and responsibilities mirror their grandparents more than their parents.

This Greatest Generation, along with veterans from Korea and Vietnam, returned from war to be "builders". They built new institutions and organizations, including the Citizens League, that transformed Minnesota and improved our quality of life and economic success.

I hope this new generation of service men and women return home to full participation in civic life. Most of all, I hope that their warrior mentality helps transform our politics, our policy, and our democracy in the process. ●

Sean Kershaw is the Executive Director of the Citizens League. He can be reached at skershaw@citizensleague.org. You can comment on this Viewpoint at www.citizensleague.org/blogs/sean



The transition from warrior to citizen

Combat veterans Jodi and Brian Bean share their experiences returning to civilian life

by Jessie Ostlund

When Ken Burns' documentary, "The War," aired on PBS last fall, it offered a glimpse of what World War II was like not just for the soldiers, but for the communities they left behind. In fact, the stories of families in Luverne, Minn. were featured at length. Nearly every family in America had a loved one in the service and that experience bound entire communities in the shared emotions of worry, wonder, loss, and pride.

The community experience during a time of war is much different today. Because the number of soldiers as a percentage of the general population is so much smaller today than it was during WWII, it is no longer common that several families in a single neighborhood have a son or daughter serving in the war. And while the growth of news media and other outlets have given citizens at home unprecedented access to information about the war, many of us are still missing that essential personal connection to our troops.

Even so, most Minnesotans feel a weight of both gratitude and responsibility to support our troops. We want to know how we can help, what we can do as individuals and communities to support our soldiers as they transition from warriors to citizens.

Minnesota residents and combat veterans Jodi and Brian Bean recently shared their insights with writer Jessie Ostlund on what

it's like to serve overseas and return home and transition back into civilian life. The couple met and married while stationed in Tucson, Ariz. They both commissioned as officers after completing the ROTC program in college and completed tours of duty in the Middle East. Both were captains in the Air Force. They are no longer in the military, but are considered part of the Inactive Ready Reserve.

What kind of work did you do during your military service?

Jodi: After seven months of intelligence training school (the equivalent of graduate-level studies), I was placed in an officer position where I oversaw the intelligence training program for over 100 people. I was responsible for a large budget, managing all of the program participants and maintaining security. I reported directly to the second in command, and my boss had a great deal of trust and confidence in me. Even today, I am surprised at how much responsibility I was given in such a short period of time!

Brian: I also attended intelligence training school, after which I was deployed with an Air Force rescue unit. I spent a majority of my time working with the para-rescue teams and medics helping to locate and coordinate recovery, medical evacuations, and threat assessments. In fact, Jodi and I

were both serving overseas (though not together) during the time when journalist Jill Carol was kidnapped and ultimately

You're never thinking of yourself when you're engaged in military service, rather, you're always thinking about how your work is going to impact your peers.

freed. Our military counterparts were very involved in the intelligence efforts to find and keep her safe.

When I returned to the active duty base in Tucson, I was very involved in the response efforts to Hurricane Rita.

Did you ever have any doubts that the skills you acquired in the military would translate well into your civilian work life?

Jodi: When I first started looking for a job, I wasn't worried at all. I had fairly extensive project management and training skills, I had managed budgets and entire teams of people and I had done all of this under extreme circumstances and at a very young age. I was proud of my accomplishments and felt very confident in my abilities.

What I didn't know, and didn't expect, was that military experience can be hard to translate into civilian work structures. I found that potential employers almost seemed like they didn't believe that I had all of this experience. It took more than 10 months of searching before I finally found a job, and I was really shocked by that.

Brian: One of the best things about military structure and protocol is that it instills a sense of confidence in service members: If you follow these procedures, you can predict the outcome and expect your peers to do the same. But this mentality can be a disadvantage in civilian environments since outcomes aren't nearly as predictable.



In addition to the technical intelligence training we received, Jodi and I both were trained as officers, so we had leadership, management, and administration skills that many people don't acquire until they've been in a job for many years. In fact, one of my very first positions in the Air Force essentially required me to start my own business. I had to open up a new office and coordinate everything from the space to materials to managing and training staff. And this was one year out of college! I thought for sure I would be an instant asset to any employer upon my return to civilian life, and, of course, it wasn't that easy.

What is the biggest difference between military service and civilian life?

Brian: There is an amazing amount of trust built in to military life. The pace is fast and you learn on the job. There were plenty of times when I felt under qualified for the responsibilities I had so early in my career, but your superiors trust you, they train you and they help you succeed. I may have felt like I didn't know what I was doing sometimes, but I always felt confident that I would succeed.

As I transitioned back to civilian life, in many ways I had never felt so insecure. Civilian life offers more choices, more risks, and the built-in support system of military structure isn't there to provide that basic sense of confidence.

Jodi: In civilian life, and the workplace in particular, our primary focus is on taking care of ourselves, looking out for our best interests and finding opportunities to gain a competitive advantage. This was a huge adjustment for me because in the military, it is the exact opposite. You're never thinking of yourself when you're engaged in military service, rather, you're always thinking about how your work is going to impact your peers, you're thinking about who you are responsible for protecting or managing. It's never about you as an individual, and you always know the rest of your team is looking out for you.

Now, that's not to say that civilian life is somehow selfish or overly cutthroat. It's just not as regimented and it takes careful observation and practice to get back into the swing of office dynamics, working

toward your personal career goals, and making a name for yourself in your chosen field.

Can you compare the transition from warrior to citizen to a life experience that non-military citizens might be more familiar with?

Brian: In some ways, the transition away from a familiar life to one where you build new bonds and new "family" structures is similar to the experience many people have when they leave home and go to college.

lucky to have an incredibly supportive family, but since I was the only one with military experience, it often felt like I was literally teaching my family a second language. In order to tell the simplest of stories, I would have to provide a lot of background and context, which sometimes felt exhausting or overwhelming.

Eventually, my family got to visit the active duty base in Arizona. It made a world of difference for them to have the chance to see how and where I was living and actually visualize the places I was describing.

As I transitioned back to civilian life, in many ways I had never felt so insecure. Civilian life offers more choices, more risks, and the built-in support system of military structure isn't there to provide that basic sense of confidence.

There is a sense of apprehension, yet excitement, and when it's time to sever those ties at the end of four years, it's hard and can be emotional. Now, multiply that experience by the intensity of a war zone and the life-and-death experiences that military members share, and civilians can start to get an idea of what the warrior to citizen transition is like.

Of course, there are some marked differences between leaving home for college or other civilian adventures and leaving home for military service. In college, you learn to be independent from your parents and develop skills that allow you to fend for yourself in the world. In military service, you spend years learning how to be responsible to a team, how to put your own well-being second to that of your peers. As Jodi mentioned, that is one of the biggest differences between civilian and military life, and its something service members have to work hard to adjust to.

What was the most challenging part about returning to your personal lives?

Jodi: Communicating with loved ones can be difficult for a variety of reasons. I was

There's also the issue of how comfortable a veteran—or his or her family—is talking about a service experience. My family was dying to know what I did while I was away, but also wanted to respect my comfort and privacy by not asking too many questions. I was similarly cautious with them, not wanting to say too much if they weren't ready to hear it, so we all said nothing. It was a no-win situation! Finally, we reached a point where we were able to open up more and share our experiences, which was wonderful, but it did take a little while to ease into it.

Brian: My experience was different from Jodi's in that my dad had a career in the Air Force. While the details of our service were of course very different, my dad had a basic understanding of what my experience was like and we were able to share a lot without saying a lot. We still had to make sure we were communicating, but we weren't starting from the ground up the way Jodi was with her family, explaining the basic structures and protocol that are a daily part of military life.

continued on page 6

Warrior to citizen

continued from page 5

What tools or resources were most valuable to you during your reintegration?

Jodi: Honestly, word of mouth advice made all the difference for me. There are so many wonderful resources out there for veterans, but I either had no idea they existed or was skeptical about whether or not they could really help me. After nearly

Often the biggest challenge is that veterans don't always know what's available to them, or for one reason or another don't think they qualify for help.

a year of searching, I finally found a fantastic job with the assistance of Resource, Inc., where a personalized job counselor took the time to get to know me, understand my career goals and keep her eyes peeled for opportunities that might be a good fit. I was initially referred to Resource, Inc. when Brian had a great experience there, as well.

In my current role as assistant director of Veterans Employment and Training Services for the U.S. Department of Labor, I see so many veterans who are in the same position I was in, totally unaware of how many resources are available to them. In the same way that we all want to take our friends' recommendations on where to find the best restaurants or mechanic, veterans most valuable resource can often be the friend, colleague or family member that is able to refer them to a service that can give them the help they need.

Brian: Jodi and I both attended the Training Assistance Program (TAP) workshop, which was tremendously valuable, if not totally overwhelming. The TAP workshops offer tips for job hunting, resume writing, and marketing yourself in the workforce, but it's up to you to retain all of that information and leverage it.

TAP is just one of the many, many great resources for veterans, but as Jodi said, often the biggest challenge is that veterans don't always know what's available to them, or for one reason or another don't think they qualify for help.

What do you think might surprise people about the reintegration process?

Brian: I think a lot of people are surprised that in addition to not being aware of many of the tools and resources at their disposal, many veterans also see assistance as a last resort. There is a level of pride that comes with military service. Personally, I wanted to commit myself to finding a job the same way I'd committed myself to important tasks during my military service. Finally, frustration led me to find Resources, Inc., which was the best thing that could have happened.

The more we can promote the resources and tools that are available, the sooner many veterans will take advantage of them.

Jodi: Minnesota has one of the nation's most innovative, effective reintegration approaches with the Beyond the Yellow Ribbon program, which I've seen in action. But what I think a lot of people don't know is that veterans who are active duty don't have the built-in support and communications network that the National Guard provides for its members.

Active duty is when the military is my full-time job and I have no other employer. I leave my home state, friends, and loved ones, move to wherever they assign me and deploy to and from that location. Reserve and Guard personnel are away from home temporarily while they are deployed, but return to their home state upon completion of their service.

It's particularly important to make sure that active duty veterans know about the services available to them when transitioning out of the service, since they are not connected to any military unit here in Minnesota and there isn't a base for them to go to.

What can communities do differently to support the reintegration process?

Brian: It's all about being visible, whether you're a community group, an employer, or a veterans services agency. The months and

weeks leading up to deactivation from military service are usually extremely busy and jam packed with activity. Unfortunately, during the rush of this time is when a lot of the most important reintegration information is distributed and it often gets lost in the shuffle or simply isn't a priority for a service member who's about to spend time with his or her family. Weeks or months later, when a veteran is finally ready to focus on finding that job or applying for that loan, there's a good chance they don't know where to start.

Jodi: I'll second that. To those of us who hear about veterans resources in the news or know about them through our professional networks, it may seem like most veterans know what's out there and how to access it, but that's just not the case. You can never be too visible or too proactive when you're promoting potential opportunities or resources for veterans. ●

Jessie Ostlund is a Citizens League member and a volunteer organizer of the Warrior to Citizen campaign. She works as a senior account executive at Himle Horner, Inc.

Resources for veterans

Beyond the Yellow Ribbon is Minnesota's nation-leading reintegration program.
www.minnesotanationalguard.org/returning_troops/btyr_overview.php

Resource, Inc. offers JOBS for VETERANS, a program funded by U.S. Department of Labor that is designed to help veterans find the job that best utilizes their skills. Contact them at (612) 752-8400 or visit the website at www.resource-mn.org/DW-Jobs-for-Veterans

Transition Assistance Program (TAP) is a U.S. Department of Labor sponsored three-day workshop where soldiers can learn about job searches, career decision making, current occupational and labor market conditions, and resume and cover letter preparation and interviewing techniques.
www.dol.gov/vets/programs/tap/main.htm



New legislation aims to end power of attorney abuses

Judges and lawmakers work together to assist Minnesota's veterans

by Sen. Tarryl Clark and Judge Renee Worke

Minnesota leads the nation in helping its returning veterans to once again be successful citizens. This distinction is a tribute to Minnesota citizenry, as well as its leadership. In 2007, the three branches of our state government came together to pay tribute to our returning veterans, and to challenge organizations and communities to provide resources and support.

Historically we've paid a lot of attention to the separation side of military deployment—when military personnel leave families and partners for overseas operations. Unfortunately we've paid less attention to the sometimes significant reintegration challenges veterans face when they return home.

Last session, legislators began to change that pattern. Several bills directly addressed the specific issues of returning veterans. Lawmakers were getting ready for the late summer return of more than 2,600 National Guard troops deployed in Iraq. With the addition of reservists, more than 19,000 Minnesotans have been deployed across the globe since September 11, 2001. As these soldiers return, they face challenges around family issues, employment, education, and job training.

One of the issues of chief concern to legislators and veterans has been the power of attorney document that grants broad and sweeping powers to another person. The service member entrusts the other person to act on her or his behalf on wide variety of issues. The empowered person can direct real- and personal-property transactions, banking transactions, business-operating transactions, insurance transactions, family maintenance, benefits from military service and more.

Unfortunately, the unlimited authority granted by the power of attorney has, in some cases, resulted in misuse and abuse. In one case described to Sen. Clark, a service member entrusted his uncle to act on his behalf while he was deployed. When he returned stateside he discovered that the uncle had run up nearly \$30,000

With the addition of reservists, more than 19,000 Minnesotans have been deployed across the globe since September 11, 2001. As these soldiers return, they face challenges around family issues, employment, education, and job training.

in credit card debt in the veteran's name. The only recourse the veteran had was to sue his uncle.

Stories like these prompted a group of fellows at the Humphrey Institute to seek the support of key legislators to reform the power of attorney law. In its current form, the law does not include an automatic expiration date, or require an accounting by the attorney. Also the law has no criminal provisions, so police can do little to help. A veteran whose trust is abused can only go to civil court. And even if the veteran wins a judgment in civil court, it will more than likely result in an uncollectible debt. Sen. Clark will author a bill this session to shore up deficiencies in the power of attorney law.

Veteran issues were also front-and-center in May 2007 when all three branches of state government convened at the State Capitol and declared Military Family Appreciation Month. The Governor, judges, and lawmakers read proclamations recognizing the critical and honorable role families play during deployment.

The coming together of our state's leadership stands as a tribute to our military families and the sacrifices made by our service men and women. The rally further solidified the intention of all three branches of government to continue to jointly address veterans' needs. Separate but equal, the judiciary and legislature continue to work together to resolve power of attorney abuses. Additionally, the Warrior to Citizen campaign, organized by the Center for Democracy and Citizenship at the Hubert H. Humphrey Institute of Public Affairs, is meeting regularly to discuss issues that arise and to bring them to the attention of the appropriate governmental agencies.

By working together, the legislature and judiciary can learn about the abilities and limitations of each system, and develop some common sense applications. As a result of this dialogue, a clearer picture is emerging of what actually occurs when criminal

continued on page 10





Talk is cheap; defending your rights as a service member is not

Minnesota needs to enact new statutes to protect service members and their families during deployment

by Capt. Lyndsey MD Kimber

With the Global War on Terror and the increasing use of the reserve military forces, more reservists are staring deployment in the face, often with precious little time to put their affairs in order before being sent to war. Some reservists have as little as 72-hours notice to prepare for deployment. Even with months of notice, many face an uphill battle to settle their financial and familial affairs.

Current federal law designed to protect service members' legal interests while they are overseas falls short. It fails to effectively address many legal issues that arise at the state and local level, and it offers little in the way of civil or criminal penalties for those who violate the law and take advantage of the men and women who serve our country in a time of war.



actions except by court order, vacation of default judgments, and stays of civil court proceedings.

Although the SCRA spells out certain protections, it offers little in the way of enforcement. The only penalties addressed in the SCRA are criminal, not civil, and there has yet to be a criminal prosecution

give those that seek to save a buck at the service member's expense wide berth to ignore the federal law.

A no win situation

Take the case of a member of the Minnesota Army National Guard who, between 2003 and 2005, served two tours of duty for his country in Kosovo and one in Iraq. During his deployment, the soldier made repeated requests to his creditors to lower the interest rate on his loan to 6 percent, pursuant to the SCRA. All of his

requests were denied. His only recourse was to hire a civilian attorney at his own expense to enforce his rights. But finding counsel was no easy matter. Few civil litigators are familiar with the SCRA, and fewer still want to pursue such cases given the vagaries of the law. In order to win, plaintiffs must first prove they have a right to a remedy in civil court.

Finally, in late 2006, after more than three years, the District Court ruled in the soldier's favor, awarding him the 6 percent interest rate cap and ordering his creditors to repay the interest he overpaid during his term of service. But the court did not award damages or legal fees, and in the end, the soldier paid tens of thousands in legal fees and court costs to enforce a right he should have been granted without litigation.

Such a result seems like a loss rather than a win from a law whose statutory purpose is stated as "[providing] protection of those that devote their entire energy to the defense needs of the nation."

The U.S. Attorney's Office could begin prosecuting criminal cases under the SCRA. While this may be an effective deterrent for some, it is not the right answer for most enforcement issues. The areas in which most soldiers seek protections are generally regulated by state, not federal, law, and quite often sol-

In the last year alone, the Legal Assistance Office for the Minnesota Army National Guard has taken in close to 900 clients on matters ranging from child custody and divorce, to issues with creditors, mortgages, and landlords.

The primary source of protections for military members and their dependents comes from the Servicemembers Civil Relief Act (SCRA) of 2003. It provides protection for service members, allowing, among other things, termination of vehicle and residential leases, reduction of loan and credit interest rates to 6 percent, prohibition on eviction and foreclosure

for an SCRA violation in Minnesota. That is not, however, for lack of violations.

In the last year alone, the Legal Assistance Office for the Minnesota Army National Guard has taken in close to 900 clients on matters ranging from child custody and divorce, to issues with creditors, mortgages, and landlords. The lack of civil and criminal enforcement options in SCRA

diers seek remedies against businesses, not other individuals. Who exactly goes to jail for a federal misdemeanor when you prosecute a company? Furthermore, the miniscule fines connected with federal misdemeanors do little to enforce compliance.

Quite simply, the best way to get businesses to sit up and take notice of legal obligations has already been demonstrated by consumer protection laws: hit them in the pocket book, hard.

Minnesota recently enacted legislation to address some of the gaps in the SCRA with regard to wireless contracts, rental, club, and service contracts. These state statutes represent a step in the right direction. Enforced by the Minnesota Attorney General's Office, they provide for a private right of action, damages, costs, and attorney's fees.

As made clear by this soldier's case and others, we need to extend similar enforcement protections to the rights and protections enumerated in the SCRA. While the SCRA should be amended at the federal level, Minnesota should lead the charge to protect its service members and codify the SCRA in Minnesota, including drafting its own penalty and enforcement provisions for violations that occur within the jurisdiction of Minnesota courts.

Best interests of the child

According to Department of Defense reports, more than 68,000 Guard and

Reserve service members are single parents, and many face custody related issues while deployed overseas. The provision of the SCRA that provides for stays of judicial proceedings is not an adequate solution to

In an attempt to respond to the issue, Congress included an amendment to the language of the SCRA in this year's Defense Authorization Act asserting that stays of court proceedings and default

Quite simply, the best way to get businesses to sit up and take notice of legal obligations has already been demonstrated by consumer protection laws: hit them in the pocket book, hard.

handle custody matters. The details may vary, but the end result is often the same: Service members are losing custody of their children while defending their country.

Courts in Kentucky, Kansas, Iowa, Arizona, New York and many other states, including Minnesota, are not applying SCRA stays to custody cases. Courts in these states claim the stays do not apply to custody cases because the state's "best interest of the child" standard (a standard used by courts in Minnesota and other states to evaluate child custody cases) trumps the service member's right to a stay.

judgments specifically include "any child custody proceedings."

While merely staying the case cannot sufficiently address the best interests of the child, and the rights of parents and other family members, neither should the absence of service members for military duty, by default, call into question their ability to parent their children. Children need to maintain ties to friends and family they are familiar with. Particularly where the non-custodial parents see the absence of the custodial parent for military reasons as an opportunity to seek a change in custody, the non-custodial parent often cuts off access of the child to the service member's family and even the service member themselves. This compounds the disruption of the child's life and can in some cases significantly alter the course of the parent-child relationship.

In one Minnesota case, another Minnesota National Guard soldier who had his final custody determination previously stayed by the court during military duty was forced to fight for custody of his young daughter after the death of her mother. The child's maternal grandparents, who were seeking sole custody, argued the father's weekend reservist duties and annual training, provided an "unstable living environment." The court sided with

continued on page 10

Pro bono legal services for service members

Since 2003, the Minnesota State Bar Association (MSBA) Military Law Committee has offered a pro bono attorney service for active duty, deployed, and returning service members and their families. This service was launched in connection with Operation Enduring LAMP (Legal Assistance for Military Personnel), an ongoing project of the American Bar Association Standing Committee on Legal Assistance for Military Personnel.

The MSBA receives case referrals from JAG officers and the general public and then posts the requests for assistance on a listserv that reaches approximately 200 volunteer attorneys. The most significant number of requests are in the areas of family law, consumer law, estate planning, guardianships (in response to injuries sustained while on duty), and employment law, although occasionally requests are made in the area of criminal law as well. Interested volunteers should contact the MSBA at (612) 333-1183.

Talk is cheap

continued from page 10

the grandparents, granting them temporary sole physical custody. The court stated, "such disruptions [for military training], however temporary and unavoidable, would be deeply traumatic to a young child in the beginning of a grieving process and at this developmental stage."

This soldier, guilty of nothing except serving his country and being a father, was

unique circumstances of service members and their families.

Minnesota needs to act too. Statutory language specifically addressing custody and visitation situations involving military members should be added to the Minnesota statutes to give greater protection to the best interests of children and flexibility to courts. There are three basic areas

immediate danger or other issues vital to the child's best interests.

When the military parent has visitation rights, the court should have the power to delegate those rights to another close family member if it's in the best interests of the child.

The court should also allow, upon the request of a service member, an expedited hearing so the service member can appear before deployment, or participate through electronic testimony if he or she is unavailable for the court hearing due to military duties.

Minnesota statutes need to pick up where the federal law has left off. These provisions represent innovative solutions that Minnesota ought to take to protect military families. As the U.S. Supreme Court stated, "[we must protect] those who have been obligated to drop their own affairs to take up the burdens of the nation." ●

Captain Kimber is an attorney with the Minnesota Army National Guard. She's serving as the full-time Deputy Staff Judge Advocate for the 34th Infantry Division. The views expressed in this article are the personal views of the author, and are not necessarily the views of the Minnesota National Guard, the Department of Defense or the United States government.

This soldier, guilty of nothing except serving his country and being a father, was treated as though his military service made him an unfit parent.

treated as though his military service made him an unfit parent.

Minnesota needs to act

Several states including North Carolina, Arizona, Michigan, Kentucky and California have already enacted amendments to their custody statutes that do not include stays, but do include other creative solutions to keep the best interests of the child paramount, while addressing the

addressed in other state statutes that Minnesota should enact to cover the majority of exigent custody circumstances facing military families.

Temporary custody orders entered during the service member's absence should expire no later than 10 days after the return of the absent military parent. This should not however, impair the discretion of the court to order a hearing for emergency custody to address allegations of

Power of attorney

continued from page 7

charges are brought against a veteran who may suffer from post traumatic stress disorder or other mental health issues. Legislators now know how far a court can go in using diversionary tools or working with mental health courts and what cannot be accomplished short of enacting legislation.

What can you do? Show up and participate. On March 13, Sen. Clark, the St. Cloud Veterans Administration Hospital, and other civic organizations will convene

a Warrior to Citizen community meeting where central Minnesota veterans, families, and local citizens come together to organize around reintegration opportunities and challenges.

Collaboration between the legislative and judicial branches has led to greater civic involvement and enrichment of Minnesota life. By promoting civic engagement we strengthen our abilities to work together as a united government

working with the people. Our joint efforts will continue to mutually support these programs in 2008. ●

Sen. Tarryl Clark (DFL-St. Cloud) is legislative co-chair of the Citizen Legislator Work Team and Assistant Majority Leader in the Minnesota Senate.

Renee Worke is a judge of the Minnesota Court of Appeals. She is a Humphrey Institute Policy fellow and a member of the Warrior to Citizen Campaign.

Examples from Minnesota

Community groups, churches, cities and employers around the state are responding to the opportunity to welcome veterans home—here are just two examples

Embedded counselors and expanded coverage

Blue Cross Blue Shield teams up to provide mental health services to returning veterans

by Edward Black

Blue Cross Blue Shield of Minnesota first got involved in military health in July 2005 by developing a unique network of hospitals and clinics to serve Minnesota military families. The new hospital, clinic, and behavioral health network allows military families to maximize the benefits of their federal health entitlement program. The work coincided with the extensive deployment of Minnesota Army and Air National Guard troops in the war in Iraq and Afghanistan.

As National Guard leadership began preparing for the return of 2,600 troops in the summer of 2007, a great deal of planning went into troop reintegration. National Guard and Reserve members and their families are at high risk for deployment-related behavioral health issues, including post traumatic stress disorder (PTSD). They were in need of a broad range of behavioral services not generally covered by health insurance, such as marriage and family counseling, therapies for addictive and compulsive behaviors, and general help reintegrating into society from the intense training and combat they experienced in the war.

In an effort to provide deployment-related behavioral health support to this special population, Blue Cross and the TriWest Healthcare Alliance funded an "embedded counselor" program to attach mental health providers with expertise in PTSD, grief, anger management, and marriage

and family therapy to National Guard units that experienced disproportionately high casualty rates in the war. Counselors were recruited from Sioux Trails Mental Health in New Ulm, Lakeland Mental Health in Moorhead, and Lutheran Social Services to provide service members and commanders with behavioral health education, emotional support, consultation and referrals, and provide support for their families during deployment periods.

In October, Blue Cross teamed up with the National Guard, Minneapolis VA Medical Center, Minnesota Psychological Association, and TriWest to sponsor a Combat-Related Mental Health conference. It was attended by 250 psychologists and marriage and family therapists to sensitize them to the unique reintegration challenges that confront families when a soldier returns home from war after an extended deployment. The featured speaker was retired Lieutenant Colonel David Grossman, author of *The Psychological Costs of Learning to Kill*. Colonel Grossman spoke about the "warrior mentality" and how counselors can help soldiers, families, and communities adjust to make troop reintegration successful.

Edward Black is Director for Network Management Planning for Blue Cross and Blue Shield of Minnesota. He directed the TRICARE program in Minnesota from 2005 to 2007.

Bloomington responds to call to civic action

By Karen Eileen

Dedicated Bloomington residents, the Bloomington VFW, and the Department of Veterans Affairs, along with a partnership of eight Evangelical Lutheran Church in America congregations, the National Guard and elected officials have created the unique community response to a call for civic action to help smooth the reintegration of returning U.S. service members into their home communities

"Bloomington is leading the way as a community in engaging its citizens in the renewal of civic life in Minnesota where citizens are working as partners to engage with our veterans through the Warrior to Citizen campaign," said Dennis Donovan of the Hubert Humphrey Institute's Center for Democracy and Citizenship, which organized the call to civic action.

The community's four-prong response includes:

- A seven-part informational television series: *Lemonaide-Special Edition: Warrior to Citizen, Bloomington, Minnesota*. The series, which includes interviews with veterans, health and wellness, financial, and faith-based professionals and community leaders, has aired on more than 70 Minnesota stations and in other states.
- A community "Stand To" on January 12 at the Bloomington Armory where more than 50 providers gathered in support of soldiers and their families. A military Stand To means "all personnel to your post." A

community Stand To is intended to bring together people, not agencies, to say thank you and show support.

- Efforts by Bloomington residents to take the lead in designing a prototype to re-invent fraternal organizations, such as the VFW, the American Legion and others, to better meet the needs of the soldiers and their families.
- Health clinics, created by Northwestern Health Sciences University and the Adler Graduate School as a part of the community Stand To, will provide wellness services, including chiropractic, massage, acupuncture, and counseling to soldiers and their immediate families at no cost in 2008.

Other providers who participated in the Stand To are offering Helmets to Hardhats support, faith-based services, mortgage and home buying support, personal shopping, tax preparation, VFW membership, debt counseling, money management, babysitting, painting, and other services.

"This is likely to be the model for the state and probably the nation," said Reggie Worlds, an official with the Minnesota Department of Veterans Affairs.

Karen Eileen is a nurse, community organizer and producer/host of the program series: *Lemonaide-Special Edition: Warrior to Citizen, Bloomington, Minnesota*. For more information, contact her at Ke_create@yahoo.com.

Join the Water Policy Study Committee

This spring, the Citizens League is preparing for a study committee on water policy—and we are starting to recruit members now!

Some of the questions the committee will explore include:

- What are the demands for water in Minnesota and how are they changing?
- What major principles should be applied to all water policies?
- What types of institutions can best address emerging water issues?
- How can citizens be more meaningfully involved in water policy development and implementation?

The Water Policy Study Committee will meet approximately every other week from the end of May through November 2008. We're looking for members from a wide range of backgrounds—everyone knows something about water!—so apply online.

For more information, or to apply to serve on the committee, go to www.citizensleague.org

PERIODICALS



555 North Wabasha Street, Suite 240
St. Paul, MN 55102

The Minnesota Journal
Publisher – Sean Kershaw
Editor – J. Trout Lowen
Managing Editors – Bob DeBoer and Victoria Ford

The Minnesota Journal (ISSN 0741-9449) is a publication of the Citizens League, a nonprofit nonpartisan Twin Cities public affairs organization, 555 North Wabasha St., Suite 240, St. Paul, MN 55102. Phone: (651) 293-0575. Fax: (651) 293-0576. E-mail: info@citizensleague.org. Website: www.citizensleague.org. Mary Pickard, chair. Articles and commentary are drawn from a broad range of perspectives and do not necessarily reflect Citizens League positions on policy questions. The Journal is published 11 times a year. Periodicals postage paid at St. Paul, MN and additional offices.

Annual subscription rate for nonmembers is \$40 for 11 issues. Orders may be placed at (651) 293-0575 or by mail at the above address.

Postmaster: Send address changes to the Minnesota Journal, 555 North Wabasha St., Suite 240, St. Paul, MN 55102.