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Los Angeles Times

Veteran sues VA over removal of upside-down flag

The West L.A. man joins with the ACLU in a lawsuit that alleges his free-speech rights were denied in his protest of what he sees as commercialization of the VA's Brentwood medical center grounds.



Robert Rosebrock, left, a 67-year-old Army veteran, and Ernie Hilger, also an Army veteran, hold the American flag upside down as "a symbol of distress" outside the Veterans Affairs medical center in Brentwood. (Allen J. Schaben / Los Angeles Times)

By Bob Pool

March 17, 2010

Robert Rosebrock didn't see any action during his two-year stint as an Army draftee in the mid-1960s. He was a corporal who worked as a clerk and a driver for the commanding general at Schofield Barracks in Hawaii, after all.

But he's made up for it with his two-year skirmish with officials at the Veterans Affairs hospital in Brentwood.

For 103 Sundays in a row, Rosebrock has led a group of military veterans in a protest of what they claim is the VA's commercialization of the sprawling Wilshire Boulevard medical center's grounds.

VA officials paid little attention for the first 65 Sundays to the small band of mostly aging veterans holding protest signs and displaying American flags outside the medical center's gates. Then Rosebrock turned that around by turning the flag upside down.

When the 67-year-old West Los Angeles event planner attached the upended stars and stripes to the hospital grounds' fence as "a symbol of distress," federal police swooped in. An associate director of the hospital said she ordered police to take action because she considered the display to be "a desecration of the flag" and feared that mental health patients might have been sensitive to an "inappropriate display on VA property."

After that, Rosebrock and the other protesters were confronted each time they attached the flag to the fence upside down. Six times police cited Rosebrock for unauthorized demonstrations on VA property.

The VA later requested that a federal court dismiss the citations. But on Feb. 28, VA police confiscated the protesters' upside-down flag when they refused to remove it from the fence.

On Tuesday, Rosebrock fired back by joining with the American Civil Liberties Union in a lawsuit that alleges the VA has denied his free-speech rights. The U.S. District Court complaint names Donna Beiter, director of the VA's Los Angeles healthcare system, and Ronald Mathis, the VA's police chief.

"It makes me sad that the VA would treat any American, especially a veteran, like this," said Peter J. Eliasberg, managing attorney for the ACLU's Los Angeles office. "It shows disrespect for the Constitution and to veterans."

The announcement of the lawsuit took place outside the VA's gates where the weekly protests occur. Rosebrock and another veteran, Ernie Hilger, 68, of North Hills, held the flag with its stars facing the ground instead of hanging it on the fence. Nonetheless, a VA police car raced across the hospital lawn when authorities spied the upside-down flag. There was no confrontation, however.

Brentwood VA officials referred inquiries about the lawsuit to the agency's Washington office. A spokesman there said officials were preparing a response that would be issued later.

Rosebrock said he and the other protesters will display the flag upside down by hand until he receives what he hopes is a permanent injunction against the VA.

He said his group has proposed a \$2.5-billion redevelopment of the VA's 388 acres in Brentwood. Seventy-year-old structures -- some of which are vacant -- would be replaced with high-rise housing for veterans under the group's plan.

Rosebrock said the protesters' immediate goal is to persuade the VA to turn the lawn area near the corner of Wilshire and San Vicente boulevards into temporary housing for veterans, who make up 15% of Los Angeles' homeless population. The open space is currently designated for use as a park by a Brentwood group.

Rosebrock said he and the others will be back Sunday to protest for the 104th time.