

Testimony

of



Submitted by

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for the

House Committee on Veterans Affairs
Disability and Memorial Affairs Subcommittee

Regarding

**“Stuck in Red Tape: How VA’s Regulatory Policies Prevent
Bad Paper Veterans From Accessing Critical Benefits.”**

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Thank you, Chairwoman Luria, Ranking Member Bost, and distinguished members of the committee for holding this hearing today, and for inviting me to testify. I want to extend my sincere appreciation to those staffers who organized this hearing, as well as to all of the essential workers who made my being here today possible during this pandemic.

In light of the serious threat of COVID-19, I would not be here in-person if I did not believe that the subject of this hearing, the VA's failure to help veterans with bad paper, was deadly serious.

And it is *deadly* serious.

Due to their physical and psychological symptoms and the nature of their separation from the military, veterans with "less-than-fully-honorable" discharges are often socially isolated from the military and veterans community, and are more likely to be homeless, suffer from substance abuse, go without treatment for physical and mental injuries, become incarcerated, and ultimately, to die by suicide.

I am a veteran with bad paper. In addition to the trauma of war, the experience of being discharged with a less-than-fully-honorable status and the resulting denial of V.A. benefits has shaped my entire adult life.

On May 15, 2005, my platoon was nearing the end of our routine patrol through Sadr City, Baghdad, when we were diverted away from returning to base. We were instead ordered to assist the local Iraqi police who were responding to a tip about a body found in a trash dump just north of the city's borders.

After five months into that year-long deployment, I had grown somewhat accustomed to my responsibilities as the platoon's on-the-ground intelligence reporter — a position that was made up for me since I couldn't do the job that I was trained for. As a Forward Observer, I joined the Army to call for artillery fire, close air support, and attack aviation when my infantry platoon ran into trouble, but I couldn't do that in such a densely populated area.

On our daily patrols, while the infantrymen in my platoon stood guard and established a safe perimeter, I would accompany my platoon commander — acting as personal security for him and our interpreter — while interviewing Iraqi civilians, police, military officers, and local officials, so that I could gather intelligence and write reports to pass up the chain of command. I would take photographs and notes, recording coordinates, time, and date of every event — and capture anything else that could hold valuable information.

In this position I had made myself invaluable to the platoon, so much so that I was the only person who wasn't rotated out for occasional days of rest. I went on every single patrol that my platoon went on, which was probably over 100 missions by that point in the deployment.

May 15th wasn't the first time that we got a call to assist Iraqi police officers as they picked up the bodies of murder victims to bring them to the morgue. This wasn't the first time that it was my job to photograph the bodies, take closeups of the lifeless faces, try to determine the cause of death, try to discern their identities, and to make futile attempts to come up with an explanation for the killings that I could include in my intelligence report.

Sectarian violence; a kidnapper's ransom unpaid; family disputes; revenge as just one incident in a multi-generational tribal conflict that no one remembers the genesis of. I never knew for sure what the truth was, but these are some of the things that the witnesses and police would tell me.

When we pulled up to the trash dump, it was immediately apparent that this time was going to be different. Having heard about bodies being found, women and children from the city were already pouring onto the scene — on the one hand hoping that it's not their missing husband, brother, father, or son who had just been found dead — while on the other hoping it's their missing loved one so that their families could finally get some closure.

When I got to the top of a small hill at the scene, there was a small flatbed pickup that already had a pile of bodies in it. I looked down into a pit and saw men tugging at the arms of a limp corpse that was only partly exposed, while other men attempted to dislodge the buried legs from the earth.

There was a dead and decaying donkey to my left. Maggots squirmed under its skin.

These bodies were buried in an unmanaged trash dump, which was surrounded by pools of raw sewage. We were told that there was something like two or three million people living in poverty in Sadr City, and this is where much of their waste ended up.

Most people think of Iraq as having a dry heat, but at least in this area, it wasn't really the case. Sandwiched between the Tigris River and a man-made canal, combined with the ever-present sewage that ran through the streets, the humidity in Sadr City was intense. Add to that the fact that as a soldier you're wearing kevlar all over your torso, bloused pants and long sleeves, knee pads strapped around your legs, and you're topped off with a helmet that traps the heat that rises off of your body — you're always carrying between 30 and 50 pounds of gear.

The days where it was above 110 degrees, like on May 15th, were hell. The sun would bake the armor of the vehicles we rode in, and make our weapons so hot that we couldn't handle them without the protection of gloves. By this point, which was supposed to be the end of our patrol,

we'd all have sweat so much that you could see thick lines of salt crystals forming on our uniforms where they met our body armor.

I started performing my regular duties: gathering intelligence, writing down what I saw, talking to the police and witnesses via the interpreter. Trying to figure out what the hell happened — hoping that somehow, we, the U.S. Army could be a force for justice for the victims of this massacre.

A second truck was brought up to fill with bodies. There were over a dozen in all. It was time for me to take pictures.

With the benefit of time, reflection, and therapy, I now recognize that in the moment I was trying to shield myself from the impossible-to-process reality that I was experiencing. I was holding out my digital camera in front of me — and instead of looking directly at the faces of these murdered men — I kept my eyes locked on the camera's small digital screen.

Through that small screen I saw packaging tape that had been wrapped around their heads, covering their eyes, pulled tightly across their mouths.

These people must have known that they were going to die as soon as the packaging tape was applied.

I saw signs of torture. Gunshot wounds that looked like they were intended to injure, but not kill.

I saw coagulated blood, still fresh enough to drip, sling from one of their noses and onto me.

I saw flies, landing on the faces of victims of torture and murder. The buzzing was everywhere. What better environment for these flies than in a trash dump, surrounded by raw sewage, next to a rotting donkey, with over a dozen mutilated bodies buried in shallow graves — and now with heavily armored American soldiers producing gallons of sweat with which they could hydrate.

As I took pictures, flies that had just been on corpses, a rotting animal, trash, and sewage, landed on my own face. Swatting them away was a fruitless effort. In the heat they seemed extra fast — and they still landed to quickly sip moisture from the corners of my eyes, my nose, and my mouth.

What I've described to you is just a *small fraction of one single day* of my year-long deployment. I was 19 years old. And while May 15th was an extraordinary day, those few minutes that I just described make up just one traumatic experience among many more than I can remember — thankfully a lot have been suppressed.

A year later while I was home in the U.S., I would often disappear from my friends while drinking at the barracks. My roommate would frequently find me passed out in the shower under

scalding hot water. My drink of choice then was vodka, straight out of the bottle. I would drink until I threw up, then I'd drink some more. Drinking that way wasn't in the name of fun. I was trying to burn the smell of May 15, 2005, out of my mind and my flesh, inside and out, because the rotten smell of death, on top of trash, soaked in sewage followed me home and I couldn't figure out any other way to try to make it go away. I could still feel the flies landing on my face.

Despite what I had been through and the clear impact that it had on me, my military career still went very well. In May 2006, I was promoted to the rank of sergeant. I was aged 20, with just over two years in the Army, and not yet old enough to legally drink or own a handgun. Not only did I continue my duties as a forward observer — training junior F.O.s and the infantrymen of my company to call-for-fire — but I was also made communications sergeant for Alpha Company, and charged with maintaining millions of dollars worth of sensitive equipment. I graduated from Warrior Leaders' Course, which is basically "Sergeants School," among the top of my class with a 96.4 G.P.A.

In May 2007, after struggling for months to obtain mental health treatment from the Army, I took a bottle of vodka along with a handful of Percocet and attempted to end my own life on Soldier's Field, a place at Fort Stewart, Ga., where they plant a tree in memory of all of the Third Infantry Division soldiers who have died in combat. It always felt a bit like a graveyard to me, so it felt like an appropriate place for me to go. Thankfully, my best friend and roommate at the time had recognized my downward spiral and called the police. I was found unconscious and being attacked by a swarm of fire ants, and thankfully, was rushed to the hospital.

Three months after that, at age 21, I was kicked out of the Army with a "general" discharge, a status that cost me my eligibility for the G.I. Bill. After having an otherwise stellar career, being well-liked by both my command and my peers, and exceeding every performance standard that the Army ever put in front of me — a staff sergeant issued two counseling statements to me, one for "malingering" (a medical diagnosis that an infantryman with only a high school education is not qualified to make) and for "missing movement," as my suicide attempt had occurred the night before what would have been my second deployment to Iraq.

Those two counseling statements were all that it took to quickly kick me out of the Army.

Shortly after I got out, the economy began to collapse with the Great Recession.

I found myself back in my childhood bedroom, with no job, no hope, suicidal, and drinking heavily nearly every day. The social stigma of my discharge status meant that I was a pariah among the men who had months before been like brothers to me, who I had lived with and shared everything with for the better part of nearly four years. My discharge status also meant that I was not welcome to be a member at the local posts of most traditional veterans service

organizations — my service was too tarnished by the single most important piece of paper in my service records, my DD-214 discharge papers.

My childhood dream of serving in uniform had turned out to be a nightmare, one that I couldn't escape. A nightmare that would follow me everywhere that I went.

Because the Army interpreted my suicide attempt as an act of misconduct — and therefore my DD-214 lists “Misconduct - Serious Offense” as my narrative of separation — not only could I not use my military experience on my resume, I didn't even qualify for unemployment insurance in the State of New York as the global economy collapsed.

When potential employers asked what I had done for the four years between high school and applying for the position, if they asked for my military records I was forced to talk about how the Army kicked me out for attempting suicide. While it's obvious that this kind of discussion is unlikely to be followed by a job offer, discussing the trauma that I had endured while the memories were so fresh was in itself an experience that would have a tremendous negative impact on my mental well-being. I recognize now that I was a complete wreck back then — that I wasn't just unemployed — but *unemployable*.

In just a couple of months after being discharged, I spent every dime that I had saved during my year in Iraq. Most of that was at a bar just a few blocks from my house. I was perpetually suicidal, and imagined no future for myself, so there was no reason to prepare for it.

When I ran out of money, my mother, who I was living with, demanded that I go to the V.A. website and file for disability. At the time I didn't think I was qualified for V.A. healthcare, and hadn't any idea where the V.A. even was.

At the time I had been convinced both by the Army's culture and my own foolish pride that since I made it home without a scratch I was fine and undeserving of something labeled “disability.” Thankfully, I followed my mother's orders. I got online and filed a claim for disability, and was called for a Compensation and Pension exam at the V.A.

I was diagnosed with PTSD at my first appointment, and ever since, I've been in the process of recovery. With a General discharge, I qualified for V.A. healthcare, and frankly, that access to V.A. care is the only reason that I'm alive to testify before you today.

I was lucky compared to the veterans that we are here to discuss today: the veterans with other-than-honorable, or O.T.H. discharges. They have thus-far been systematically denied essential healthcare services from the V.A. because the department reinterpreted the words that Congress put into law with the 1944 GI Bill of Rights to reduce their workload and save money.

According to the V.A., as of a couple years ago there were approximately 505,000 veterans living with “other-than-honorable.” Those veterans have for the most part been denied *all* essential services — not just the G.I. Bill as I had been, but the V.A. healthcare that has literally kept me alive and helped me to move myself forward in life and find purpose again — even if talking about my bad-paper discharge invited ridicule from others who served.

My bad-paper discharge made me ineligible for many of the benefits that the average veteran receives as a result of their time in service. I’ve been barred from applying for virtually all scholarships and fellowships that are dedicated to veterans, and didn’t qualify for New York State’s Veterans Tuition Award. Without the G.I. Bill, I’ve accumulated tens of thousands of dollars of debt, despite working full time while being a student full time for the last few years.

But being public about bad paper has also led hundreds of individuals who have endured similar experiences with bad paper to reach out to me to ask for help. And that’s the other major factor that led me to be here today.

It’s been 13 years since my discharge from the U.S. Army.

Since then I’ve learned to manage my PTSD. I’ve gone to school, and after working my ass off, I managed to graduate from Columbia University with honors just this past May. I’ve started a nonprofit organization called High Ground Veterans Advocacy, where I train veterans to use their military experience and personal stories to motivate Congress to enact legislative reforms. I’m the person who sat with some of the committee staff that you know and love and came up with the budgetary trick to invent the “Forever” part of the Forever G.I. Bill, ensuring that today’s service members don’t lose their eligibility because of some arbitrary time limit.

I’ve intervened in more suicide attempts than I can remember, answering phone calls, emails, text messages, and social media messages at all hours of the day and night from strangers and friends alike — many who have been denied care by the V.A. due to their discharge status.

I’ve become the face of bad paper, with my story published in The New York Times, The Wall Street Journal, The Washington Post, on CNN, BBC, NPR, Fox News, and of course the outlets that cover this committee every day like Military Times, Stars and Stripes, Military.com, and CBS’ Connecting Vets. I’ve been invited by both the Obama administration and the Trump administration to visit the White House to witness the signing of legislation that I’ve played a key part in advocating for.

Working as Vietnam Veterans of America’s chief investigator, I worked for two years to prepare a nearly 200-page report that exposed critical threats from foreign actors to troops, veterans, and our families in online environments. In doing so, I forced Facebook and Twitter to suspend

scores of accounts ranging in origin from Russia, to Iran, to China, which were used to threaten the safety of and take advantage of our community, both through individual targeting and broad disinformation campaigns.

But it still took four attempts over 12 years to have my discharge status upgraded to fully honorable by the U.S. Army. The first rejection of my appeal for an honorable discharge came on the anniversary of my suicide attempt, which to be frank, felt like the universe was sending me a message saying that maybe I should have completed the suicide. The second rejection was after I went to D.C. with five of my battle buddies for an in-person hearing, where we all cried talking about the things we had endured together, and the captain that I served under told the panel that if he went to war tomorrow, he'd want me by his side. The Army Discharge Review Board's rejection of my appeal that time was based on a review of my medical records that was performed by a podiatrist — a foot doctor — who determined that since I hadn't been diagnosed with PTSD until two months after my discharge, I couldn't definitely prove that it was tied to my Iraq deployment and that it's what led to my suicide attempt.

When the Army finally upgraded my discharge in March of last year, they mailed the decision to my childhood home, a place I hadn't lived in nearly a decade — despite having documentation telling them to send all updates to my pro bono lawyer, a man who routinely checked in with the Army on my appeal status. I didn't find out that my discharge had been upgraded until a half year later. The Army also didn't notify the V.A. about my discharge upgrade, so I completed my last year and a half of school without the monthly housing assistance that I should have received now that I am eligible for the GI Bill. The V.A. still hasn't provided me all of the backpay I'm owed.

I still don't have the fancy certificate that most veterans have, with the word "honorable" written in calligraphy to put on my wall. And even with the new, upgraded DD-214 that I was able to download online — I realized that through a clerical error they changed my discharge code to make it look like I had concealed an arrest record. After 12 years of waiting for justice, the Army went from telling me that my service wasn't fully honorable to telling me that my entire enlistment was fraudulent.

Through all of this frustration I've spent this time learning that I'm not alone, and that there are major systemic flaws that allow patriots like me to serve and sacrifice for this country, only to be discarded like trash.

In truth, when veterans are being honest, they'll tell you that most people who serve in the U.S. military have had rather unremarkable careers. They haven't had their own May 15, 2005 — or anything close to the traumatic experiences that I endured, or that many other of the hundreds of thousands of bad-paper veterans out there have.

Our country, by default, honors their service nonetheless. As we well should. Because when people sign up for military service, whether they become a highly decorated hero or a homeless veteran on the street is largely left up to pure chance of circumstance. Don't just take it from me — read the autobiography or speeches of most Medal of Honor recipients and they'll have said that they just got lucky and any of their sisters or brothers would have done the same thing if they were in the same situation. When a person enlists they roll the dice with fate, knowing that they could die for their country — and they should be rewarded for such bravery — particularly during this time of perpetual warfare.

Since I learned about this country's abandonment of veterans with bad paper, it's been my primary focus in life to see that things are made right.

In 2016 I thought I was on the cusp of making a difference. I walked into a meeting in Senator Thom Tillis' office and met with his senior military advisor, a reservist who was still serving as a high-ranking officer in the Navy. After telling him my story, and urging him to get his boss to sign onto the Fairness for Veterans Act, he looked me in the eyes and said, "Son, you're doing the Lord's work." Those words went right to my heart, and I felt like all of the pain that I had experienced would have been worth it if I could make this systemic change, helping veterans with bad paper get a fair shake at appealing their discharge.

That man's name is Robert Wilkie. But as secretary of Veterans Affairs, he's failed to prioritize veterans with bad paper — those who, as I said before, study after study shows are more likely to be homeless, suffer from substance abuse, go without treatment for physical and mental injuries, become incarcerated, and ultimately, to die by suicide.

I can't figure out why when given the chance Secretary Wilkie won't pick up the torch and "do the Lord's work" by helping make our most vulnerable veterans a priority for the V.A.

The V.A., this committee, SVAC, the Obama administration, and the Trump administration have all said that veteran suicide would be their number one priority. But in all this time, only Secretary Shulkin has ever made a serious effort to help those veterans who are most likely to die by suicide — announcing that he intended to open V.A.'s doors to veterans with bad paper for emergency treatment and care.

But since he was fired by tweet, the V.A.'s done little to nothing to fulfil the promise that Secretary Shulkin announced before this committee three years ago. To my knowledge, the only thing that the V.A. has done to reach out to these veterans since Secretary Wilkie took over was host a one-hour Facebook live event, and post a single article on their blog.

As my colleagues have explained to you today, the V.A. already has the statutory authority to care for veterans with bad paper — and more than enough reason to comply with the congressional intent of the authors of the original G.I. Bill of Rights.

As Congress and the administration dump trillions of dollars into our economy, I ask whether you will be able to look at yourself in the mirror if you tell me that taking care of these veterans is “too expensive” — or if you’re willing to take that answer from your colleagues who have selective outrage about the budget.

For over a decade I’ve been coming to meet with lawmakers and staff on this issue, and ultimately every time that I think we’ve accomplished something, it ends up being too incremental to really make a difference.

So I beg you: please do something big. Drag your colleagues along with you if you have to. Amend the G.I. Bill to at least protect all veterans who are discharged with bad paper, as I was, to help us move forward in life. This is especially important during the economic crisis we’re in today, which is even worse than what I endured when I got out in 2007.

Call on this president to force the V.A. to abide by the 1944 G.I. Bill of Rights, and care for all of those who were discharged under conditions other than dishonorable.

Hundreds of thousands of veterans like me have been used up and thrown away, issued lifetime punishments in the form of a denial of the very same earned benefits that are designed to help veterans put their lives back together after their time in service. This is the only process in American government that completely lacks all due process before sentencing.

Please, ladies and gentlemen, end this national tragedy.

Again, thank you for inviting me to testify before you today. I look forward to answering your questions.