



David K. Root

State Legislative Chairman
Department of Ohio Veterans of Foreign Wars

rootohiovfw@gmail.com

Home: 440-366-0271

Mobile: 440-420-0313

Testimony before the House Armed Services and Veterans Affairs Committee

House Bill 69—Revise membership of county veterans service commissions

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Chairman Loychik, Vice Chairman Demetriou, Ranking Member Miller and members of the House Armed Services and Veterans Affairs Committee, thank you for allowing me to testify this afternoon in opposition to House Bill 69.

I am David Root, a US Navy Veteran of the Vietnam War. I am a State Legislative Chairman for the Department of Ohio Veterans of Foreign Wars and a past State Commander.

In June of this year, The US Supreme Court ruled against two companion cases. ‘Students for Fair Admissions, Inc. v. Harvard’ and ‘Students for Fair Admissions, Inc. v. University of North Carolina’. In writing for the majority, Chief Justice John Roberts stated that a student “must be treated based on his or her experiences as an individual — not on the basis of race.”

In his concurring opinion, Justice Clarence Thomas stated “it is not even theoretically possible to ‘help’ a certain racial group without causing harm to members of other racial groups.”

Those cases were about students, colleges, and races, so what do they have to do with House Bill 69? Well, in my opinion -those two cases are exactly the issue before you today if you just change three words.

Change the word students to veterans. Change the word Colleges to Veteran Service Commissions and change the word races to eras served. The Supreme Court cases and HB 69 are both dealing with affirmative action. The Merriam-Webster Dictionary defines ‘affirmative action’ as... “the use of policies, legislation, programs, and procedures to improve the educational or employment opportunities of members of certain demographic groups (such as minority groups, women, and older people) as a remedy to the effects of long-standing discrimination against such groups.”

The Supreme Court struck down affirmative action in higher education holding that both universities’ race-conscious admissions policies violate the 14th Amendment’s Equal Protection Clause.

In my opinion I believe that HB 69 also violates the 14th Amendment’s Equal Protection Clause. That clause is in section 1 of the 14th Amendment. Section 1 reads...”All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

I am not a constitutional lawyer. I’m not even a qualified law clerk. But what I have stated, I believe to be the truth and if I am even close to being correct in my belief, than House Bill 69 should be laid upon the table and forgotten.

I do agree with the sponsors of HB 69, that the number of Post 9-11 veterans on the 88 county veterans

service commissions is low, but this bill is not the answer to solving that issue. What is? Time. That's right – time will solve the issue.

Merriam-Webster dictionary defines the word attrition for us... "A reduction in numbers usually as a result of resignation, retirement, or death."

That means in time (and it has already started) the older Korean War Vets and Vietnam War Vets will resign, retire, or die. During that same time you will see more younger Post 9-11 vets finding the time to be able to willingly accept the positions older vets will be leaving. Attrition. Time. That is what will solve the issue. Not this bill.

Chairman Loychik, Vice Chair Demetriou, Ranking Member Miller and members of the committee, thank you again for allowing me to offer my thoughts on House Bill 69... and to so many of you on the committee who have or are serving in our great military –thank you for your service.

I will try to answer any questions you might have for me.