



## VA Hospitals Are Now Crime Scenes

By Deroy Murdock

May 22, 2014

At this writing, the Veterans Administration scandal has engulfed 16 states and 26 hospitals.

In Atlanta, widespread mismanagement caused the preventable deaths of at least three veterans. In Columbia, South Carolina, six vets died due to delayed colorectal-cancer screenings. And in Phoenix, some severely ill vets urinated blood and endured searing pain from cancer. At least 40 of them dropped dead before getting life-saving treatment.

But this single-payer savagery is not just a monumental tragedy, nor merely a cautionary tale of bureaucratic incompetence. If this outrage simply involved the fatal bumbling of the Keystone Klinicians, it would be awful enough.

Instead, hospital officials allegedly doctored appointment books to “comply” with VA scheduling rules, maintained secret wait lists that confirm this deception, and destroyed this evidence when the watchdogs barked. This ugly picture quickly devolves from lassitude into lawlessness. VA hospitals have become crime scenes.

- VA “employees in Fort Collins, Colorado, were directed to manipulate the books to conceal evidence of lengthy wait times for appointments,” according to an American Legion report on this disaster titled “Epidemic of VA Mismanagement.”
- In Cheyenne, Wyoming, a VA staffer’s email “details specific instructions for ‘gaming the system’ to ‘get off the bad boys list.’”
- A Chicago VA social worker said “scheduling wait times are manipulated in order to protect pay bonuses.”
- In Phoenix, two VA employees secured documents “alleging that there was a systematic effort underway at the hospital to shred documents to eliminate evidence of the waiting list cover-up.”

This fiasco makes Attorney General Eric Holder snore. “I don’t have any announcements at this time with regard to anything that the Justice Department is doing,” he yawned on May 13.

Judging by his Morgan State University commencement address, Holder believes it's more urgent to fight racial segregation in 2014 — as if Dr. King never lived, and Jim Crow never died.

Sadly, Holder's refusal to hold Obama administration officials legally responsible for their actions is aggravating, though hardly surprising. Federal accountability has vanished on Obama's watch.

To varying degrees, Justice Department alumni believe VA employees could and even should be prosecuted.

“Criminal charges?” asks former federal prosecutor J. Christian Adams. “Maybe criminal neglect, but those are always state, not federal, charges. Does the state have a statute that might apply where the events took place? Next, can criminal charges in state court lie for a crime that occurred on federal property in a federal facility? I'm not sure.”

“At a minimum, if there were falsification of federal records (such as hiding priority lists, lying on medical records, etc.) or lying to federal investigators or Congress, criminal laws might have been violated,” former DOJ official John Yoo tells me. One of his U.C. Berkeley Law School courses trains students to secure benefits for veterans.

“If there were any quid-pro-quo to have certain people moved up the lists as favors, that too might be a criminal violation,” Yoo adds. “If the deaths of veterans occurred through not just negligence (which would be a subject for a civil lawsuit between the veteran and the hospital) but worse, such as recklessness, that could be criminal under state law.”

Former assistant U.S. attorney Andrew McCarthy seems even more confident about prosecution. “I'm thinking about this like a RICO indictment with fraud as the predicate,” he says. “You always want to give the jury a theme to organize the evidence around, and fraud runs through the VA scandal like it does all Obama administration scandals.”

This entire mess also stinks of conspiracy and obstruction of justice.

As much as possible, VA hospitals should be privatized and coverage voucherized. Compensation in what remains should reflect patient satisfaction. As the Cato Institute's Roger Pilon explains, this means “veterans benefits vs. veterans hospitals.”

VA officials who fatally failed those who fought valiantly for this country and then covered it up deserve neither reassignment nor administrative leave (i.e. paid vacations). They should go to jail.