

Opening Statement

Madam Chair, members of the Task Force,

I want to begin by expressing deep respect for the men and families whose sacrifices in Laos remain part of our shared history. The intent of this legislation—to recognize courage and loyalty in wartime—is honorable and deeply felt. Yet, our responsibility is also to ensure that any law enacted in Minnesota stands on sound legal, ethical, and administrative ground. After careful consideration, I believe the bill as written cannot achieve its stated goals. It conflicts with Minnesota’s DEI goals, lacks a verifiable means to identify legitimate veterans, and risks creating unequal classes of veterans under state and federal law. My intent is not to oppose recognition, but to prevent us from advancing a measure that, if enacted, could be impossible to implement and vulnerable to constitutional challenge. Therefore, I respectfully move that this Task Force recommend pausing the current bill until these fundamental issues can be resolved through formal legal and policy review.

Motion:

I move that this Advisory Task Force formally recommend to the Commissioner of Veteran Affairs and the Minnesota Legislature that the current draft of the Veteran, defined SGU and Irregular Forces Veterans Recognition bill be held in abeyance until such time as the following concerns can be resolved to ensure legal compliance, equity, and administrative feasibility:

1. **Compliance with DEI Standards:** The proposed legislation does not align with Minnesota’s established DEI goals for all state agencies and programs. It privileges a specific national or ethnic cohort without a clear and legally defensible selection basis, thereby conflicting with the principle of nondiscriminatory inclusion.
2. **Verification of Service:** There exists **no credible or uniform documentation** to authenticate SGU or irregular force service in Laos. Without a defensible verification method recognized by the United States, therefore Minnesota cannot lawfully certify eligibility or dispense benefits.
3. **Flawed Identification Mechanisms:** Any state-level process to identify “foreign national veterans” would rely on unverifiable or anecdotal evidence, open to error, fraud, and inequitable treatment among applicants.
4. **Conflict with Federal Veteran Law:** Defining a new category of “veteran” under Minnesota law may create direct conflicts with federal statutes and Department of Veterans Affairs (VA) definitions, potentially leading to misrepresentation or overlap in benefits and status.
5. **Hierarchy of Veteran Classes:** Establishing a parallel veteran category risks creating a hierarchy of veterans, where benefits or recognition for one group may implicitly devalue or supersede those of federally recognized veterans.

6. **Constitutional Implications:** The creation of a second veteran class, especially one benefiting individuals who are not U.S. citizens or lawful permanent residents, could raise **Fourteenth Amendment equal protection issues**. Such classification may be challenged as unequal treatment under the law.
7. **Legal Inconsistency and Denial of Due Process:** If Minnesota law codifies one category of veterans with identifiable records and another with unverifiable status, individuals in the latter category may claim unconstitutional denial of equal protection and due process, inviting litigation against the State.

Conclusion:

This Task Force should recommend suspension of current legislative efforts and request an independent legal review by the Minnesota Attorney General's Office and the Minnesota Department of Veterans Affairs before further legislative action. The objective is to ensure that any future recognition of SGU service respects both the honor intended and the constitutional framework governing all Minnesota laws.