

RESOLUTION ON THE STRUGGLE TO RESPECT, PROTECT AND FULFILL THE RIGHT TO HEALTH IN THE U.S. AND SUPPORT RESISTANCE TO PRIVATIZATION OF HEALTH CARE PROGRAMS FOR SENIORS AND VETERANS

Submitted by the Military Law Task Force, the International Committee, and the Environmental Justice Committee

WHEREAS, the NLG's mission is to promote human and ecosystem rights over property interests (Preamble to Constitution), and

WHEREAS, the Guild was one of the NGOs selected to represent the US at the founding of the United Nations in 1945 and participated in ensuring that human rights provisions were incorporated into the United Nations Charter, and

WHEREAS, Guild members assisted in drafting the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948, which protects the right to health in the context of an adequate standard of living, and recognizes the interdependence of social and economic rights, and

WHEREAS, at its 2009 Convention the NLG adopted a resolution calling on all members to work for U.S. ratification of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), the treaty which advances the UDHR, and which articulates in Article 12 the right to physical and mental health, which includes health care, and

WHEREAS, the 2009 resolution specifically mentioned the informational problem of health care being referred to as a privilege, a moral obligation or economically beneficial, rather than as a human right, and called on members to help frame the debate on health care, housing, education, and food as human rights, and

WHEREAS, the individual human right to health and other social, economic and cultural rights are closely related to the collective human right to a clean and healthy environment and to the right of all species on the planet to thrive, and

WHEREAS, perpetual war, preparation for war, nuclear weapons, failure to address climate disruption and other environmental threats and hazards make the right to health care an urgent issue, and

WHEREAS, the U.S. has made few and very incomplete steps toward recognizing health care as a human right because of the rise of neoliberal capitalism at the end of the 1970s, the decline of union membership and the power of unions, the attacks on the Black Freedom movement, and because of other reasons, and

WHEREAS, the passage of federal legislation in the 1990s, supported by Republican and Democratic parties, led to the privatization of the single payer, public program of health care for seniors, Medicare, by Medicare Advantage and, more recently, in 2018

the VA Mission Act, has led to outsourcing/privatization of the nation's only national, integrated and coordinated healthcare system, the Veterans Health Administration (VHA), run by the Department of Veterans Affairs, and

WHEREAS, the states have, in the same time period, with two exceptions, also rejected health care as a public good, the foundation of health care as a human right, and privatized the joint federal-state program of Medicaid (Title XIX, Social Security Act), increasing the power of insurance companies who make profits by denying care, and

WHEREAS, although the COVID-19 pandemic allowed many people to benefit from a temporary expansion of public financing of health care and better access to specific goods and services, the deaths of more than 335,000 people were attributable to the lack of a national single-payer financed health care system with health care provided free at the point of access, as a right, and

WHEREAS, the "austerity" measures now being adopted are causing millions of low-income people, disproportionately burdening people of color, to lose access to Medicaid, while the inflated costs of living are causing significant economic damage, including ability to pay for the expensive, private health services and drugs, and

WHEREAS, the austerity measures being used by capital owners and enabled by Congress to slowly privatize the VA system, with more than 15 bills introduced in Congress to outsource VHA care, are an attack on government provision of public health care, which is of higher quality than private, when measured by outcomes, on federal sector unions like AFGE, and on the VA's ability to serve all patients through its research, teaching, and emergency preparedness missions, and

WHEREAS, the Biden Administration's expansion of the Trump Administration's Direct Contracting model (as launched by the Center for Medicare and Medicaid Innovation, permitted under the Patient Protection and Affordable Care Act) allows profit-seeking insurance companies secretly to manage the doctor-patient relationship and now threatens Medicare, the most popular health care program in the U.S., as a model for expansion to cover everyone (national, improved Medicare for all), and

WHEREAS, the most medically vulnerable people in our society, including not only veterans and seniors, but also detainees, prisoners, immigrants, and all low-income people, as well as Indigenous communities, have specialized needs requiring being treated according to the human rights principle of Equity, of greater financial support and care for those who need the most health care, the opposite of what a private profit-seeking system can and will do, and

WHEREAS, the AFL-CIO has voted to support a national system of improved and enhanced Medicare for All, which would include everyone regardless of their status (social, immigration, etc.) and cover all essential health services, goods, and infrastructure, preventing the dismantling of health care for women and other genders, and

WHEREAS, VA healthcare is not only critical to veterans, including many who have been injured or made ill by the US's immoral and often illegal wars, and provides healthcare and benefits tailored to their needs, but also a system of healthcare professional training, research, and emergency preparedness that serves the entire nation, and

WHEREAS, conservative political leaders, Big Pharma and the private healthcare industry have attacked VA health care by trying to privatize and outsource medical and mental healthcare services while ensuring that the VA is underfunded and understaffed, passing legislation to accomplish these goals by increasing the portion of the VA's budget used to pay outside providers and thus reducing VA funds for its own inhouse healthcare programs and services, and

WHEREAS, this effort treats veterans as pawns in a larger effort to privatize healthcare, and

WHEREAS, progressive veterans' organizations, the VA unions (American Federation of Government Employees and National Nurses United), and other organizations, are fighting to prevent further privatization and protect healthcare available through the VA,

BE IT THEREFORE RESOLVED that the National Lawyers Guild condemns government and private industry efforts to outsource and privatize VA healthcare (and consequently reduce the staffing and funds available for direct VA healthcare), and condemns the privatization of Medicare through ACO REACH and Medicare Advantage, and

BE IT FURTHER RESOLVED that the Guild condemns these efforts as part of a broader attack on public health care, and

BE IT FURTHER RESOLVED that the Guild, through its Military Law Task Force, International Committee, and Environmental Justice Committee, will seek to educate Guild members, committees and other entities, as well as Guild allies and the public, about these issues and encourage them to take part in the national campaigns to stop health care privatization.

IMPLEMENTATION by the NLG Military Law Task Force, International Committee and Environmental Justice Committee

CONTACT PERSON: Kathleen Gilberd kathleengilberd@aol.com

PRESENTERS AT PLENARY SESSIONS: Marti Schmidt, martha@marthalschmidt.net and Jeff Lake, jefflakejd@gmail.com

