*The Law Offices of David P. Sheldon File Opposition to the Smithsonian’s Motion to Dismiss in USPHS COA v. Bunch et al.*

Congress created the National Native American Veterans Memorial to be a memorial for *all* Native veterans. Yet, when it came time to build the memorial, the Smithsonian wrongfully excluded Native veterans of the United States Public Health Service and the National Oceanic and Atmospheric Administration. In May, The Law Offices of David P. Sheldon, representing the Commissioned Officers’ Association of the United States Public Health Service, filed suit to ensure that those two branches were properly included. The continued denigration of the service of USPHS and NOAA veterans has a pervasive impact on their status before private and public institutions. They are frequently denied benefits both due under statute, and granted by private society, due to ignorance as to their status as veterans. The most egregious example of this is the way in which USPHS commissioned officers, deployed by their country to the hottest spots of the COVID pandemic, were frequently denied early vaccination status by military healthcare facilities ignorant of their status as fellow service members.

Yet, it was on those very grounds that the Smithsonian based their motion to dismiss. They argued that Native veterans of the USPHS and NOAA had no entitlement to inclusion on the monument, and that there was no evidence that the denigration of their service and reputation as “real” veterans had any impact on their societal standing. In addition, they also argued that a question of constitutional interpretation was in fact a political question, not fit for the courts to resolve.

Now, The Law Offices of David P. Sheldon have filed their motion to oppose this attempt to dismiss a rightful claim. In their motion, they demonstrate to the Court the massive impact on societal status of the wrongful denigration and spreading of ignorance as to the veteran status of USPHS and NOAA officers. They also remind the Smithsonian, and the Court, of the clear precedence in the D.C. Circuit that constitutional claims are not, contrary to what was alleged by the Smithsonian, political questions barred from consideration. The Law Offices look forward to the successful resolution of this current round of litigation, to the future success of their case, and to the ensuring that Native USPHS and NOAA officers are given the public commemoration they rightfully deserve.