



INDEPENDENCE DAY MESSAGE FROM THE  
SERVICEMEMBERS AND VETERANS INITIATIVE

Each year Americans celebrate the birth of our nation on the Fourth of July. However, it was actually on July 2, 1776, when the Second Continental Congress voted in favor of a resolution of independence. So momentous an occasion was this vote that on July 3, 1776, John Adams, the man who would become the second president, wrote in a letter to his wife, Abigail, “The Second Day of July 1776, will be the most memorable Epocha [epoch], in the History of America.—I am apt to believe that it will be celebrated, by succeeding Generations, as the great anniversary Festival.” However, the day of the vote for independence has been lost to time in favor of July 4, 1776, the date upon which the Second Continental Congress approved the final wording of the Declaration of Independence. But the selection of July 4<sup>th</sup> as the date of the birth of our nation is also rendered arbitrary by the fact that the Declaration of Independence wasn’t officially signed until August 2, 1776, and its existence first made news in London on August 10, 1776.

Whether the birth of America should be celebrated on July 2<sup>nd</sup>, July 4<sup>th</sup>, August 2<sup>nd</sup>, or August 10<sup>th</sup> is a debatable topic. And while John Adams did not get the date for the “great anniversary Festival” right, he agreed with the concept that we, as Americans, are endowed “with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness,” and he was correct in stating that we should celebrate the fact that we have these rights. Significantly, the ability to celebrate these rights is, in large part, attributable to the sacrifices, dedication, and hard work of America’s servicemembers and their families.

The Department of Justice’s Servicemembers and Veterans Initiative wants to ensure that the servicemembers who protect our rights are protected as well, protected from those who would diminish their housing, financial, employment and voting rights. The Department of Justice enforces three servicemember specific statutes that safeguard military members’ rights in these

areas. The Department of Justice protects a servicemember's civilian employment rights by enforcing the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), voting rights by enforcing the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), and financial security through the Servicemembers Civil Relief Act (SCRA").

The Servicemembers and Veterans Initiative provides information to servicemembers through its outreach and training events designed to educate military members and legal practitioners about USERRA, UOCAVA, and the SCRA, and to identify sources for legal assistance. The Initiative also maintains *servicemembers.gov*, an online tool for servicemembers to gather information about their legal rights and available benefits. The website features an online complaint form where military members may submit USERRA, UOCAVA, and SCRA questions and complaints to the Department of Justice for answers and/or further review.

The Department of Justice continuously fights for the rights of servicemembers through its SCRA and USERRA litigation. For example, on February 22, 2018, the United States filed a complaint alleging that BMW Financial Services, N.A. ("BMW") violated the SCRA by failing to refund a type of up-front lease payment to 492 servicemembers who lawfully terminated their motor vehicle leases. The settlement agreement, which was executed the same day that the complaint was filed, required BMW to deposit over \$2 million into an escrow account to compensate the servicemembers whose rights were violated under the SCRA. BMW must also revise its policies and procedures to ensure that servicemembers who terminate their vehicle leases early receive a full refund of eligible pre-paid capitalized cost reduction amounts.

On September 19, 2017, the Duval County, Texas, Sheriff's Department agreed to compensate a Deputy Sheriff and Army Reservist for lost wages and employee benefits, and pay him liquidated damages to resolve allegations that it violated USERRA by, among other things, terminating the Deputy Sheriff twice, once while he was on leave for military duty, and a second time for pursuing a USERRA claim after he was belatedly rehired after his period of military service. Whether the issue involves one military member or many, here at the Department of Justice and the Servicemembers and Veterans Initiative we strive to ease the financial, housing, employment and voting burdens that servicemembers face whether at home or abroad.

This Fourth of July as we watch fireworks, attend barbeques, and observe parades, the staff at the Department of Justice's Servicemembers and Veterans Initiative shall remember that it is because of America's military members that our generation can, and succeeding generations will be able to, enjoy this celebration of our freedoms, just as John Adams predicted. Happy Fourth of July to all.