

# How VA Lies Killed the Agent Orange Equity Act in the 111th Congress

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By [Blue Water Navy Association](#)

The first legislation attempting to re-admit offshore participants of the Vietnam War back under their original coverage by the Agent Orange Act of 1991 was introduced by Representatives Bob Filner and John Hall in July, 2008 when they hosted a gathering on a patio of the Cannon Building. Bill HR-6562 died in Congress because there was no time to fully develop it prior to the close of the 110th Congress. The role it played, however, was to lay the ground work for its re-introduction in the 111th Congress, which opened in January, 2009. Representative Filner reintroduced this Bill as HR-2254 to the House in May, 2009 and laid the groundwork for a sister bill to be introduced in the Senate in October, 2009, as S-1939 by Sen. Kirsten Gillibrand. These Bills were each read from the floor, assigned their numbers and given to the respective Veteran Affairs Committees. And there they sat.

HR-2254 ultimately had 261 House co- sponsors, which means 261 Representatives of the People heard enough information and received enough requests regarding HR-2254 that they were willing, on behalf of their constituents, to sign their names in support of passing the bill before it was even brought out of Committee. Having 261 Representatives willing to co-sponsor a Bill indicates this was a very popular legislation. S-1939 in the Senate had 19 cosponsors, which is a fair start. All these people who pre-signed this Bill, the Agent Orange Equity Act, did 'the right thing' by showing their support for a dying group of veterans – those who served in the offshore waters of Vietnam between 1962 and 1975.

## **The Bottom Line Up Front**

Let me make my bottom line position perfectly clear right off the top. These veterans are sick and dying because they were inadvertently poisoned by a chemical warfare agent used by their own country. A majority of the offshore veterans have already died without even knowing that,

between 1991 and 2002, they were eligible for free medical care from the Department of Veterans Affairs (DVA), as were all other Vietnam veterans. They were also all eligible for monetary compensation which would help them make up for lost income based on the severity of their disability. These benefits were available to all veterans of the Vietnam War and the probability that they were exposed to the most horrific chemical compounds ever used in wartime was so great that, in 1991, Congress made it a law that everyone who served in the Vietnam War was presumed to have been exposed. And as soon as they exhibited symptoms of specific diseases, they would receive these veteran benefits.

When veterans who served offshore Vietnam were removed from eligibility for these basic, humanitarian benefits, a secondary atrocity of the Vietnam War was committed. These veterans, mortally wounded by their own government, were given yet another unconscionable blow to their basic dignity. Based on nothing more than the whim of DVA and Executive Branch career politicians, many who had never served this country in uniform, much less served in the Vietnam War, offshore combat and support personnel were suddenly denied these basic benefits while all other Vietnam veterans who served on land continued to receive this necessary, life-prolonging care.

Whether the number of offshore veterans was one or one million is absolutely irrelevant. Whether they were one yard or one mile from the shoreline is absolutely irrelevant. Whether payment for these veteran services required this country to stop all foreign aid to divert funds to cover the necessary costs for veterans' care is absolutely irrelevant. Whether these men served in an area that made admission of their injuries politically inconvenient, especially when they were the result of unfortunate friendly fire incidents, is absolutely irrelevant. The only relevant question that should ever cross anyone's mind in reviewing this is, "What is the appropriate, ethically correct response required?" We are talking about the death of Americans. We are talking about rejecting decisions made with absolutely no scientific or medical proof or understanding of the underlying principles. We are talking about maintaining Honor and Integrity as Americans. And I'm watching the clock ticking down, approaching a point when the question becomes moot because all the men will be dead. But I'm also watching skillful misdirection stealing the day, once again.

We do not and will not play the Numbers Game when it comes to human lives. The loss of even one life is worth dropping everything and fixing a broken system. But I watch in horror as an entire society chooses to ignore a steady death count and becomes numb to the loss of American lives in senseless, corrupt conflict. I'll throw some numbers on the table to appease decision-makers, but I will not play that game. Every number count is wrong, regardless of its source or rationale. The blood on our hands demands serious, immediate retribution. The cost of continued ignorance is not a price we should be willing to pay.

### **The Numbers Game**

The Department of Veterans Affairs quite effectively killed these Bills with three little white lies and one big Whopper. It was possibly a finely played maneuver directly aimed at the greatest fear legislators have when considering passage of legislation. The DVA has had many years to perfect its technique of strategic disinformation. They have been at this game of lies and deceit

for so long, out in broad daylight, that it boggles my mind how they continue to get away with it. If DVA was a public corporation, answerable to its stake holders, management from top executives to department heads would be gone in disgrace as soon they opened their mouths. But, in this case, the DVA is answerable only to the White House. And what better teacher for the most successful deceptions ever conceived? The only thing we've lacked all these years is a Congress with the courage to stand up and say "No!" to the White House. Or, barring that, we have lacked a citizenry with the courage to peacefully but single-mindedly escort corrupt government leadership out whatever door they came in.

Department Heads from various divisions within DVA testified before both House and Senate Veteran Affairs Committees regarding the Agent Orange Equity Act and told lies, but were never challenged. Alternatively or additionally, their statements were quite gullibly swallowed by House and Senate members despite common sense and the information we provided to them prior to the hearings that clearly showed the flaws in truth and logic that these little white lies rested upon. For the conspiracy theorist, there may have been "higher powers" that instructed both Chambers not to bring these legislations to a vote.

### **White Lie One**

The first little white lie was testimony that claimed the Seventh Fleet operated hundreds of miles from the coastline of Vietnam. The statement came from a DVA department head whose effectiveness at his job depended on his knowing these facts were untrue. A story was told that while the bulk of the fleet covered 200 miles away, smaller ships, such as destroyers, moved closer to provide naval gunfire support from 50 or 60 miles off shore. Anyone with knowledge of ships and warfare should realize that in order to provide naval gunfire support to in-land targets, the ships would need to be armed with weapons that could shoot far enough to hit their intended targets.

The typical maximum range for a 5-inch gun, such as on a destroyer, was approximately 12 miles. The typical maximum range of an 8-inch gun, such as those on a cruiser, was 16 miles. When the mighty WWII battleship the USS New Jersey was off the coast of Vietnam with its 16-inch guns, the typical maximum range it could fire was 22 miles. Since gunfire support provided by the Navy was aimed at targets well inside the country, miles in-land from the coast, and closer than maximum range, the ship providing naval gunfire support (NGFS) would need to be as close to the shore as possible in order to gain the required range to the target. In the case of destroyers, who were the heart and soul of NGFS, they needed to be no more than a couple hundred yards from shore. In many cases, naval gunfire support was conducted a mere hundred yards or less from shore. The famous "Gun Line," mostly comprised of naval destroyers, assembled at whatever distance from shore best matched the mission requirements. Many destroyers went up rivers and canals at their own peril to provide this vital support to ground troops by getting closer and closer to enemy positions to improve their accuracy.

Aircraft carriers that provided naval air support operated from an imaginary point known as Yankee Station. Yankee Station was a constantly moving location typically between 50 and 80 miles from shore. During times when the carriers were conducting flight operations, this distance from shore could change quickly and drastically. In order to create wind across the deck to give

planes the required lift for take-off, aircraft carriers would steam into the wind to launch their jets. Since the prevailing winds offshore Vietnam would blow from land out to sea, aircraft carriers in the process of creating the optimal lift environment would steam into the wind and head directly toward the mainland. It was not unusual for an aircraft carrier to be only a dozen miles or so from shore when this had been accomplished. Likewise, when retrieving their aircraft, carriers would be as close to land as possible. This allowed the planes to carry less fuel and more armaments. We have been able to plot the location for practically every aircraft carrier within 20 miles from the coastline at some time or other during their operations on Yankee Station.

This little white lie about the fleet's location created a picture that naval vessels were far, far from shore and well "out of reach" of waterborne and airborne herbicides. But that whole scenario was predicated on a lie. For some, it raised the question of how far from shore chemical agents could actually float or drift. The seeds of doubt were sown in the minds of those not familiar with Naval Gunfire Support missions. The information was wrong, and as soon as it was uttered, a false picture of naval activity during the Vietnam War developed.

### **White Lie Two**

As the second little white lie, the DVA held on to its highly unscientific and medieval concept that since herbicides were applied to the land mass, there was no possible way they could imagine where any herbicide could get into the water. Even though this is a lie perpetrated by the DVA, it goes beyond reason how anyone educated past grade six could possibly believe that herbicide sprayed on land in Vietnam was not subject to the basic water cycle of this planet. Rains washed particles containing the herbicide and its byproducts into the streams, which emptied into the rivers, which emptied into the bays and harbors which flowed out to sea, to be taken back up again into the atmosphere to continue the cycle of rains and other weather conditions. I see no point in spending time on such an absurd concept, but I fear there were individuals among our Representatives and Senators who believed and still believe what the DVA told them about how Nature works on this planet. The DVA claims there is absolutely no evidence that herbicides got into offshore water. The only thing that could stop it would have been an invisible barrier that screened all herbicide from the water as the rivers ran into the sea all along the Vietnamese coastline. There is also the matter of records of tens of thousands of gallons of herbicides being dropped into the sea near the shoreline needlessly or for emergency dumps, the problem of leaky spray valves on every spray plane leaving or arriving over the coastal waters outside and inside Da Nang Harbor, and the regular coastline spraying of herbicides that required thousands of gallons be sprayed directly onto sea water.

### **White Lie Three**

The third little white lie was in regard to the estimate of how many new claims would arise if offshore personnel currently disabled from the effects of herbicide poisoning, would file a claim for health care and compensation. The answer given, after much tap dancing to avoid taking responsibility for it, was 800,000.

Since the very early 1980s, the DVA and the Department of Defense (DoD) worked on estimating how many men actually served in Vietnam, and a set of acceptable estimates were established. Some of the early literature on this subject claimed that the number of offshore personnel, plus personnel who served in Laos and Cambodia, plus the airmen who served in Thailand, was about 514,000. Early projections developed by the Blue Water Navy analysis team used this 514,000 number without realizing the vast number of additional personnel included in that total.

The accepted number of naval veterans is provided by a publication entitled “Vietnam Conflict – Casualty Summary.” This seems to be the only document that takes the accepted estimates and breaks them down by the four branches of service for “Worldwide,” “Southeast Asia,” and “South Vietnam” service. The information provided by several DoD studies well before the year 2000, indicated that there were 229, 000 individuals who served in the navy in all of Southeast Asia from 1962 to 1975.

However, when department heads from the DAV gave their testimonies to Congress, they indicated that they expected an influx of new claims in the magnitude of 800,000. Nowhere in the statistics of the Vietnam War is there evidence that 800,000 currently living veterans could possibly file claims based on offshore service. Once a reliable source for this number was located, it is so obviously incorrect and contrary to all DVA literature that such a mistake had to have been made consciously by the head of a department whose job is to know how many veterans of many classifications are being provided benefits by the Veterans Benefits Administration. If they actually planned on being confronted by 800,000 new claims, they miscalculated by well over 300%.

This little white lie sets the head-count for how many men would be affected by HR-2254 and S-1939, and therefore feeds directly into the estimated cost of that legislation, the big whopping lie sworn to Congress.

### **The Big Whopper**

A consistent argument that we heard regarding HR-2254 was that its price tag was so high there was no possible way it could ever fit into the Nation’s budget, assuming the atrocity of the act is even a budgetary matter. This budget was predicated upon the 300% exaggeration in the number of claims that would appear. Because of that magnitude of cost, HR-2254 and S-1939 were thrown under the bus along with the dying veterans. The costing was given over to the Pay-Go Policy. This is a financial situation where no new money is used, so new legislation needs to identify the funding of some other existing agency or activity that would need to be shut down in order to pay for the proposed new legislation. It seems only to be used on legislation no one wants funded.

On September 25, 2009, the chairman of the House Committee on Veterans Affairs told me that the VA informed him the cost of HR-2254 would be greater than \$20 Billion over the next 10 years. At that point, I asked the chairman if he had a chance to review the estimates of cost put together by the Blue Water Navy Association. That Cost Study showed, in a very reasonable and in depth analysis, that the cost of the bill would not even approach \$5 Billion for that same 10

year period. Unfortunately, he had not reviewed this information and had already thrown in the towel on HR-2254 due to this exorbitant price tag. I assured the Chairman that the numbers provided by the VA were inflated by as much as 400% to 500%. But Representative Filner had already been scared off by this Big Whopper of a lie. This same reaction to the Big Whopper had occurred in the Senate and S1939 never got out of committee. Both of these bills died at the end of the 111th Congress.

The Blue Water Navy Vietnam Veterans Association (BWN) now has a much more accurate and complete financial analysis of the probable cost of the Agent Orange Equity Act, including money for DIC and Nehmer payments. That number is half our original estimate and is about \$2.5 Billion over a 10 year period. The DVA estimate is a 900% increase over this true, projected cost. That analysis can be found on our web site at

### **Keeping On Track**

These Bills will be re-submitted during this 112<sup>th</sup> Congress, and there is already strong support in both chambers, in spite of the atmosphere of funds cutting. We believe we can once again work at the grass roots level and gain the legislative support needed to make our case. But this time, we'll not only have our eyes open, we'll work harder to open the eyes of others to the dirty tricks that politics seems to be. We won't be fooled again.

Every assertion presented here is a matter of public record and has appeared in one BWN report or another. Nothing is new; little has changed. If we are content to send our brothers and sisters, our own children and theirs, and our children's children to fight wars based totally on lies and deception, as were Vietnam and our current actions in the Middle East, and we are content to leave those responsible running free and still wielding power, we deserve what we will get. The problems the offshore Vietnam veterans face are not 40 years old; they are continuing to happen right now. Our current service members are coming home with their own hidden time-bombs, including Depleted Uranium and a myriad of other disabilities from Chemical, Nuclear and Biological agents. If we continue the shameful pattern of letting our veterans needlessly suffer and die without appropriate aid and assistance, we may be witnessing the death throes of a once-great society that held the admiration of the world because of our personal honesty and integrity. And like all things, this too shall pass.

John Paul Rossie, Executive Director

Blue Water Navy Vietnam Veterans Association