

This is submitted as the written testimony of
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to the House Committee on Veterans Affairs Hearing on
"Health Effects of the Vietnam War - the Aftermath."
May 5, 2010

The problem of HR-2254

HR-2254 is being held in Committee, even though it has 256 cosponsors within the House. That means it has a pretty good chance of passing the House by a substantial margin. And yet, it sits.

This situation makes me question this government's willingness to keep its promises to all its veterans. The commitment of a nation to provide care to its veterans was clearly expressed by Abraham Lincoln when he prayed for people to do the right thing, "...to care for him who shall have borne the battle and for his widow and his orphan..." More recently, we have heard pledges by members of this legislature to support Vietnam veterans. The last time I saw its language, HR-2254 would recognize certain individuals who show symptoms of contamination by herbicides used in Vietnam if they served offshore of Vietnam or were in the vicinity of Vietnam. There was conjecture that it ought to cover military personnel not in the local area of Vietnam, but who handled the herbicide containers and show symptoms of contamination.

The need for Proof

We hear rumors that one thing delaying passage of HR-2254 is a need for proof that these individuals were contaminated by herbicides. In the requirement of demanding that proof, Congress is holding these individuals to a much higher standard than some other military personnel. If a member of the Armed Forces can show that they actually stood on the soil of the Vietnam homeland, they are granted their medical and compensation benefits under a concept of "presumptive exposure." Presumption of exposure does not require proof of any sort, short of documentation verifying a physical presence, for even the shortest amount of time, on the land mass of Vietnam. They are not questioned on the possible mode of transport that caused their exposure, nor are they required to prove their physical location while on Vietnamese soil. They are not asked about or tested for dosage of exposure. They need only present with symptoms as specified by the Department of Veterans Affairs (DVA). Yet their symptoms are identical to the symptoms of personnel who did not have a physical presence upon the land mass of Vietnam. Here we see a very clear instance of comparing elements that both walk like a duck and quack like a duck, but are denied a rational conclusion that they both are ducks. Denial of this commonality is the first hint that something is terribly wrong.

The Statistical Analysis

In a classic manner of rationalizing, there comes the fatal slide to the analysis of numbers. There are those who want to see perfect columns of numbers showing several enumerable facts:

- How many people are we talking about that will be impacted by the passage of HR-2254?
- How many dollars are associated with compensating each individual?
- How long a time will these payments be made?
- What are the exact parameters to qualify for HR-2254 benefits?

But actually, we are not really talking about numbers. We are talking about human beings and the quality life and death of those people. We are talking about providing a basic dignity in dying. We are talking about how we can provide comfort in the final days of human beings who are dying of unnatural causes directly related to their duties in the Armed Forces during the Vietnam War.

Do I mean to say that these numerical values are not needed for a decision to be made? Yes, categorically. The issue of HR-2254 is about humanitarian principals. Does it matter if we are talking about 0.01% of the total US population or 1% of the total US Population? Absolutely not. Regardless of the number of people involved, we are still be talking about the death of human beings; human beings who just happened to swear an oath to fight for this country so that our principles of free speech and peaceful assembly, exactly like what we are doing with this Committee Hearing, can go forward without fear of "black-booted thugs" bursting in to shoot, arrest or even just harass us.

The willingness to give one's life for one's country is not the same as volunteering to be a guinea pig for Chemical Warfare. The symptoms we are taking about are the result of Chemical Warfare. The herbicides were developed to kill plant life, but their additional consequence was that they contaminated our own soldiers and sailors. Please call it like it is. We are acknowledging that this government may have been completely ignorant of the impact on our own soldiers. But those consequences are taking the lives of our veterans, and something needs to be done about it right now. This legislative body needs to take ownership of this problem and fix it.

The Inevitable

All of us are going to die at some point in time. But we generally assume it will be by natural causes. Or it could be by accident, but we still picture that as a fairly quick process. Our military personnel contaminated by chemical agents are dying of unnatural causes with slow and painful deaths. The average life span of a non-veteran male in the United States is something near 79 years. The average life span of a Vietnam veteran is about 66 years. So in addition to having defended this country and dying a painful, gruesome death because of it, we are giving up, on average, about 13 years of our lives.

We have set ourselves up to be the policemen of the world. We occasionally come across situations where a foreign government uses Chemical Weapons on its own people, and we howl and are the first to shout and point a finger at an atrocious violation of human rights. We get righteously indignant. Even though we did not intend it, the veterans of Vietnam are dying horrible, prolonged deaths like all other victims of man-made Chemical Weapons. What our soldiers and sailors are dying of looks very similar to what other people go through when dying of chemical poisoning. Both of these situations look like ducks, quack like ducks, smell like ducks. How much more evidence do we need to conclude that, by golly, we've got two ducks here?

Pointing fingers and assigning blame is not what this is about. It is about recognizing a problem and fixing it. This Committee can do something right now to address the current problems that still exist for some Vietnam veterans. That is all we are asking you to do. Act now, before we are all dead.

In putting our estimates of how many veterans will likely be impacted and what the potential cost of this bill could be for new claims of livings veterans, we did work through the numbers, very carefully. And those numbers are presented here in the Appendix. In A-1, we have an analysis of the number of

troops most likely involved in various elements of the Vietnam War. The data attempts to count the number of military personnel in the "off shore" regions and those assigned to Thailand, Cambodia and Laos. The two organizations that jointly authored that paper are clearly identified. The analysis might contain refutable numbers, or someone might argue that it is totally wrong whether it is or not. However, all sources were traced as far back to the original sources as possible.

Appendix A-2 provides a screen capture simulation of a lengthy and complicated spreadsheet that shows the associated costs of HR-2254 as regards new claims for presumptive exposure. The screen shot shows the total project cost, which occurs in the year 2020, ten years from now. **After that date, we postulate that no significant number of this class of veterans will be alive.** The full spreadsheet is large and needs to be reviewed in full on the Internet at

<<http://bluewaternavy.org/spreadsheet%202254.htm>>. Since several factors in a complete cost analysis are variable, that Internet location includes an MS Excel spreadsheet that can be downloaded to a viewer's computer. The user can change very key data points to see the effects on cost. Parameters available to change include:

- Total number of Blue Water Navy (BWN) veterans who served
- % still alive
- % who will seek / not seek benefits
- % who will receive 100% disability rating
- % who will receive 40% disability rating
- Monthly & Annual Cost of BWN veterans receiving 100% disability
- Monthly & Annual Cost of BWN veterans receiving 40% disability

I provided this tool so everyone could put in their own range of numbers for several components that make up the final cost. You should download this spreadsheet and manipulate it because it is very educational and instructive and hopefully provides a new perspective on estimating these costs.

Uncertainty

But I have already stated we are not playing the numbers game. No matter what number is chosen, another number can be given to challenge the first. And do you realize who you are playing number games with? Certainly not the American public. Certainly not the veterans who are asking for your help. In this case, it is with an agency that absolutely cannot provide "the real and exact number" of any basic head count related to the Vietnam War. Every number they have to work with started as an after-the-fact estimate by the Department of Defense. "The real numbers" do not exist. What you are getting from the DVA are estimates and extrapolations that have appeared to solidify over the years and tend to be taken as concrete and true. In some cases, those estimates are probably very close to reality. In other cases, not so much. The basic numbers of participants in our Vietnam War were estimated quite some time ago, and over the years they have become accepted Urban Myth. But they are no more solid or certain than that.

Where is my source for such an outlandish statement? Well, beyond common sense, and a knowledge of history, and the experience of being there and noting how records were kept, it is a bit of wisdom passed on to me by the Department of Veterans Affairs, Office of Policy & Planning some time ago. It has also been reported to me by the National Archives Electronic Records Division and the Library of Congress. I will not release personal information on the sources involved in my conversation. But if

you get through all the parts of my presentation and still have doubts about my honesty, I have to suspect you have not read this with an open mind.

I will not be guilty of placing a dollar value on the men and women that I speak for. I will let that be your job. My main concern is to help you realize that this is a very clear situation with a very simple solution. These men are sick. They are disabled by illness on the list of presumptive diseases for dioxin poisoning. If you took a soldier who served on land that is dioxin-sick, and a sailor who served offshore that is dioxin-sick and set them in a room together, no doctor would see the difference. They both look like ducks. They both quack like ducks. They both smell and waddle like ducks. My guess is that they are both ducks.

But I would like to take the pressure off. I am not even asking you to declare them as ducks. That can come later; history can sort that out. If you are so obviously uncomfortable with identifying and labeling the parts of these ducks, then do not worry about that. Let someone else worry about putting their neck in that imaginary noose. But these poor ducks have spent the past 40 years paying for their own medical care, and now they are in desperate need. They can not afford more medical care. They can not afford to eat well or even pay their rent. Many have been forced to give up their homes for much smaller accommodations. They can not provide for their families. And they are just damned tired of trying to deal with the DVA. They are tired of that illusive false hope that sometimes dangles in their faces.

No one can tell you that our diseases were absolutely not caused by dioxin. We were often no further than a couple hundred yards from the men who served on land. Isn't that a strange coincidence that we both have the identical problems? No one can tell you that the amount of Agent Orange dumped into, sprayed onto, blown by the wind or washed into the South China Sea by run-off water was not enough to transit 80 to 100 miles from the shoreline of Vietnam to the constantly moving location of Yankee Station - possibly via the microlayers that can travel below the surface for extreme distances. It is medically and scientifically impossible for anyone to make a definitive statement that the diseases of offshore veterans, or veterans from other areas, were not caused by the dioxin content within Agent Orange.

We believe that the Department of Veterans Affairs, by their own admission, is using numbers inappropriately. They are using what we believe to be inflated estimates as a scare tactic, and we fear you have bought into it. They have over-inflated the number of veterans one can rationally project to have been in Vietnam, or offshore Vietnam, or in the vicinity of Vietnam. They have over-inflated the number of veterans who are probably alive today. And they have projected their response to compensation claims to a level that far exceeds their past trends. America can find hundreds of millions, and even trillions, of dollars for far less worthy enterprises. And yet we cannot afford to care for damages of war to our own military. We are watching this happen to us, the Vietnam veterans. We are watching this happen to our children, who fought the Gulf War and served in EOF/IOF and Afghanistan. We have watched both the DVA and our legislators use number games to save trivial dollars at the expense of making this country morally bankrupt. Where is the value, in that scenario?

The End Game

Will our government provide a small percentage of the population with the pittance it takes to live out the next six to ten years? With that, we can die in less miserable conditions and can leave this world

knowing the country we served afforded this dignity in our death. They had already promised to soothe us and our families in our final hours. Can we be comfortable leaving our families strapped with our medical bill, or in poverty housing? No one is asking for this assistance except those who can prove an Agent Orange-based disability and we are asking for no more than other veterans of the Vietnam War are given.

Can we expect HR-2254 to become law before we die? If not, then please just tell us. We are mature enough to take a negative answer - after all, we were ready to die for you and this government 40 years ago. And we have been living and dying with false promises since then. Just tell us so we can have absolute certainty of how this country and its leaders really value us. But we also ask that you stop delaying and lying to us while you comfortably sit back and wait for us to die. In a very few years, we will not be alive, and you will never have to step forward and honestly deal with this problem. It will be thrown onto the bone pile the way many other problems are currently being handled. And you wonder why the approval rating of your jobs and of this administration's actions have fallen to new low points!

We are asking you to do something that will allow us to die with dignity. Do not keep playing this game of delay, deny, until we die. And do not keep dishing out false hope.

Please, if you have already decided you will never fund HR-2254 and S-1939, just tell us to go away. We will stop wasting your time and our energy, and we will find some alternative to living and dying with our illnesses and our frustration.