

This is submitted to the Public Record
as the written testimony of
John Paul Rossie, Executive Director,
Blue Water Navy Vietnam Veterans Association,
for the Senate Committee on Veterans Affairs Hearing of May 5, 2010
to Review Pending Legislation

To the Honorable Members of the Senate Veterans Affairs Committee

Ladies and Gentlemen of this Committee,

Less than two weeks ago, I appeared before the House Committee on Veterans Affairs to testify regarding HR-2254. That bill is the sister bill to S-1939. What I emphasized in that testimony was the fact that I am fighting to obtain veteran benefits for a class of individuals who have been carved out of the whole and are being set aside and treated differently from veterans who were often no further from them than a few hundred yards. Not because they are really so different that they deserve to be denied their earned veteran benefits, but because it is monetarily and administratively convenient the Department of Veterans Affairs to do so. In other words, as was brought out in the Haas Case, they are doing this simply because they can!

These veterans of the Vietnam War are not eligible for health care and compensation benefits because of an irrational decision by the Veterans Benefits Administration (VBA). VBA contends that since these service men and women were offshore or involved in 'secret wars' in the countries surrounding Vietnam (such as Thailand, Cambodia and Laos), they could not have been contaminated by a Chemical Warfare agent that may have become part of the ambient air saturation in that entire region and whose fingerprint has been found in the fat cells of polar bears. BVA denies that the dioxin in Agent Orange could have travelled from the spray nozzles of Ranch Hand aircraft to the open waters of the South China Sea. They have held onto their absurd position in the face of glaring evidence from global scientific and medical research that proves the offshore personnel had the same or higher probability of contamination by dioxin as did many of the soldiers who are receiving their veteran health and compensation benefits because of dioxin contamination.

No Documentation

Let's set aside for a moment that the VBA is insistent on subscribing to Medieval Science as relates to this planet's water cycle. Let's ignore for a moment the outright lies, broken promises, deceit and intellectual ignorance that has seeped out of the office of the Department of Veterans Affairs (DVA) and which has been noted on the public record by Chairman Filner and other members of the House Veterans Affairs Committee.

Let's focus on what the hardest part of my job, as Executive Director of the Blue Water Navy Vietnam Veterans Association (BWNVVA) has been over the past 6 years as we've tried to help veterans claim their promised and rightful benefits. The majority of veterans being blatantly discriminated against, those who served offshore Vietnam and who served in Thailand, Cambodia and Laos, all have very a similar problem. Their service records lack the proper documentation to prove that they qualify for the narrow interpretation of the law set forth by BVA policy. It might be interesting to note that many of

the veterans who receive their benefits from the BVA because of their boots-on-ground status also lack this same documentation within their records, but they are never asked to provide it. Any indication that they had their boots-on-ground in Vietnam is enough to qualify them for these benefits and no further questions are asked. Additionally, there is a campaign of plausible deniability surrounding the existence, use and consequences of hazardous materials. Bullets and bombs are hazardous enough. Chemical, Biological and Nuclear (CBN) agents simply add to the depth and complicity of the issue.

The lack of documentation indicates the lack of a paper trail recording where a service member was, what their exact duties were, and how and when they moved from place to place. No one kept those kinds of records, or such records were destroyed for lack of apparent usefulness. In the instance of those who were assigned to Thailand, Cambodia or Laos, many records are either intentionally non-existent or hidden under some sort of classification that makes access to them impossible. That classification is, at this point in time, nearly 40 years old. What could we have possibly done so that, 40 years later, we remain embarrassed to let the truth be known?

I'll answer that question as I expect it to be answered: "It is a matter of national security and can't be discussed." Senators of this Committee, it is 40 years later and if we committed crimes so heinous that they cannot be known after this much time, then this government owes an apology to the citizens of this country and to the world for having done them. If it is worse than the dirty laundry we now have hanging on the line, my mind truly stumbles at comprehending it.

Déjà Vu

Governments and their military leaders must be the slowest learners on the planet. It is happening again. Or, rather, it appears that it is still happening. When our children returned from Operation Desert Storm with sicknesses that presented at an extraordinarily high rate, and it is almost 20 years after the fact that their health care and compensation benefits are just recently being acknowledged and made available to them, something is terribly wrong.

War is 'wrong' in the sense that it clearly shows that humans on this planet remain unenlightened. Use of CBN agents during warfare is 'wrong' because it reflects a total disregard for the wider environment of the world that extends far beyond the battlefield. Not documenting involvement of our Armed Forces personnel is 'wrong' because it puts them in a position that they are unable to show the proof needed to claim their earned veteran benefits once they leave active duty. We continue to use a system that keeps two sets of books that harms our current and future veterans by removing them, through their oath of secrecy, from the pool of veterans eligible for benefits they may need in their future.

Will our Special Operation Teams returning from Afghanistan and Pakistan be able to claim their benefits for injuries received while on classified missions? Will they be able to claim their benefits if they are caught in a friendly fire incident in Pakistan as our unmanned aircraft bomb a country we have not declared war on? Will the Marines, who, up until a couple months ago, were training at 29 Palms with Iranian posers but have recently switched to Pakistani posers, ever be able to file for veteran benefits if they are injured in any boots-on-ground operation in Pakistan?

Senators of this Committee, when will we see this nonsense stop? When will this country start thinking of the consequences of its military actions on the veterans of the future and be fully prepared to care for those who live through our wars? You have an opportunity to put policy into place that will

guarantee the VBA will honor all our veterans by providing their earned benefits regardless of what future war they participant in. You now have the power to re-structure the policies of the VBA, as well as the DoD, so that we don't continue to commit the same mistakes that result in the problems of lost or missing documentation that I am wrestling with today. I think it is time to admit that it is the lies that cause the most harm; not the truth. And we are sadly deficient in truth speakers.

Please help clean up the mess left from the Vietnam War of 40 years ago. And please put policy into place so that the veterans of the future can rest assured that any benefits that may be available to some will be available to all. Such policy is only common sense. And it is only a display of dignity and honor toward those we send out around the world to fight the wars we feel we need to have.

Today's Focus

Senate bill S-1939 is our focus today. It addresses the urgent needs of Vietnam veterans who honorably served their country as long ago as 40 years, and who are now in desperate need of health care and compensation for diseases found on the VA's list of presumptive diseases attributed to Agent Orange contamination. Those diseases are on that list for a reason. They flag the conditions that veterans of the Vietnam War display due to dioxin poisoning. Senate bill S-1939 extends the benefits of health care and compensation to men who served in the direct vicinity of Vietnam who have those identical diseases. Do you actually think it is some fluke of Nature that the offshore and near vicinity personnel have those exact diseases? Did they all just happen to beat all statistical odds and come down with those conditions without the intervention of dioxin?

It does not matter how they came down with Agent Orange related diseases. It does not matter if the wind blew it or the water carried it or it appeared by magic on the decks of their ships. What does matter is there has been a concerted effort for more than a decade to eliminate the number of personnel that VBA is required to pay the bill to care all our Vietnam War veterans. Senators of this Committee, that is NOT ACCEPTABLE.

In the "Veterans and Agent Orange Update: 2008", the Institute of Medicine (IOM) opined that there was equal probability for dioxin contamination at sea as on land. They recommended that offshore personnel be included in the presumption of exposure to herbicides in Vietnam. They stated that recommendation several times in that report. They presented an verification by a U.S. expert regarding a valid, scientific study done under contract to the Australian Government that describes quite clearly how dioxin-laden water taken into a ship's water treatment system not only ends up in a ship's potable water. It also describes quite clearly how the heat flash desalination systems on U.S. and Australian ships would amplify the toxicity of any dioxin molecules by 400%. This constituted a peer review of the Australian Study and the IOM passed favorable judgment on its conclusions.

Rather than accepting the IOM's recommendations, VA Secretary Shinseki ordered an 18-month study that literally duplicates studies already done to show the links between dioxin and offshore ships. By doing that, he successfully delayed receipt of health care and compensation benefits to Vietnam veterans by 18 months. Senators of this Committee, that is NOT ACCEPTABLE.

There are absolutely no additional studies required to settle this issue. There only remains the passage of S-1939 to codify a law that was originally written in 1991 that did include offshore veterans and veterans in the proximity of Vietnam during that War. It was a law the VBA finagled its way around.

If you wait for the duration of those 18-months, you will be presented with an IOM report that once again concludes that anyone on the water within the combat zone defined by the Vietnam Service Medal offshore Vietnam should be included in the presumption of exposure to Agent Orange.

By not dealing openly and honestly with this problem, all you are doing is pushing a favorable decision in the matter further down the line, either for you to deal with later, or for your successor to deal with. I don't even want to know why. I just want you to realize that the longer you delay the more Vietnam veterans with offshore and near vicinity service will die due to your indecision. My recommendation to you is to grab this problem by the horns, wrestle it to the ground, and deal with it. Why are you so reluctant to settle this issue? What is it that scares this government so deeply that it is willing to ignore proven science and medicine? All we are asking for is recognition that we will be given the health care and compensation that will allow us to die with dignity and leave this world with less debt piled up for our surviving family. The only ones who will be applying for these benefits will be those who actually have disabilities from the listed diseases. Between approximately 2002 and now, these personnel have needed to pay for their own medical treatment and have watched their homes be repossessed and their families decimated by debt and a loss of basic human dignity.

Ladies and gentlemen of this esteemed Committee, that is NOT ACCEPTABLE. Please pass S-1939 into law. Thank you for this opportunity to present my thoughts and feeling to you as you review pending legislation.

Respectfully,

A handwritten signature in black ink, appearing to read "John Paul Rossie". The signature is fluid and cursive, with a large initial "J" and "P".

John Paul Rossie, Executive Director
Blue Water Navy Vietnam Veterans Association