

# LEGACIES OF WAR



The Truth About Agent Orange in Vietnam

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# Legacies of War



## A Mission to find the Truth

### Government leaves veterans out in the cold

By Richard E Phenneger

It appeared Americans learned their lesson. Service men and women victoriously returning from Desert Shield and Desert Storm in the early 1990s were showered with thanks, gestures of appreciation, parades in their honor. Soldiers, sailors, airmen and Marines returning from Iraq and Afghanistan tell similar stories of a patriotic reception, both groups in stark contrast to the deplorable treatment Vietnam veterans received in the Sixties and Seventies.

Unfortunately for many, that's about as far as it went. Recruiters' promises of Veterans Administration (VA) health care for life, were, well, just another in a long string of broken promises.

In 2008 I learned that over one million of our bright young soldiers who had returned from Iraq and Afghanistan were still waiting for medical help for the injuries they received fighting to defend our nation, our ideals, our God-given rights. For 175,000 of them, the wait exceeded 18 years.

Why? Why were such delays being tolerated? Why were our once focused and highly trained young veterans resorting to suicide at the rate of over 6,550 per year (18 per day)? Why were tens of thousands becoming homeless every year? Who was responsible?

The amount of data I reviewed while digging into these questions was enormous. This investigation led me to volumes of information that seemed to parallel veteran's experiences following Vietnam. This eventually led me to believe that the current problems were directly related to that era, 40 years ago. To understand today's issues I needed to understand what happened following the Vietnam War.

My research uncovered irrefutable evidence that Vietnam Veterans (VV) have been victims of a decades-long scheme to systematically conceal the known effects of Agent Orange, and that the government, up to and including the executive offices of the president, then covered its tracks by deliberately manipulating scientific data. For many of our veterans, this resulted in denial of care for injuries, life-long suffering and greatly shortened life expectancy.

Clearly, the VA's perpetual denial of services, despite reams of evidence and empirical examples, is indicative of a systemic failure of the VA and our government.

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These revelations prompted me to establish Veterans Services Transparency, Inc., a nonprofit organization dedicated to helping all veterans receive the services they were promised.

In December of 2008, I came across the recently published "Gulf War Illness and the Health of Gulf War Veterans (Scientific Findings and Recommendations)" published by the Research Advisory Committee on Gulf War Veterans' Illnesses (RAC Report). The conclusions of this 450-page scientific study can be condensed into a few sentences: "...That Gulf War illness is real," and "...that few veterans have recovered or substantially improved with time." Additionally, "...Addressing the serious and persistent health problems affecting 175,000 Gulf War veterans remains the obligation of the federal government...."



Admiral Elmo R. Zumwalt Jr.

Today, four years later, there are over one million veterans waiting and most of the 175,000 Gulf War veterans are still waiting. The RAC Report proved the VA's foot dragging, but still did not answer the question "Why?" More research was needed.

While searching the Internet in November of 2009, I stumbled upon Admiral E.R. Zumwalt's 1990 REPORT TO SECRETARY OF THE DEPARTMENT OF VETERANS AFFAIRS ON THE ASSOCIATION BETWEEN ADVERSE HEALTH EFFECTS AND EXPOSURE TO AGENT ORANGE ("Report" or the "Admiral's Report"). The Admiral's Report was emblazoned with "CLASSIFIED – NOT FOR PUBLICATION AND RELEASE TO THE GENERAL PUBLIC." Admiral Zumwalt was the Commander of Naval Forces in Vietnam and served as the U.S. Chief of Naval Operations, the highest rank in the Navy.

His report charged the Department of Veteran Affairs with duplicity, fraud and deliberately manipulating scientific data to get the "answers it wanted," that the dioxin Agent Orange was not the cause of the illnesses and premature deaths of hundreds of thousands of our Vietnam Veterans. All of the independent scientists that worked with the Admiral on the Agent Orange Report condemned the VA's work.

It is a well-known fact that Agent Orange, one of the deadliest chemicals known to man, was sprayed on our troops during the Vietnam War. Our soldiers patrolled through heavily sprayed areas, drank, showered, cooked and washed their clothes with water contaminated with Agent Orange.

I decided to focus on the Admiral's Report, which most clearly articulates the problem that existed during and after the Vietnam War and identifies the most likely cause of the VA's reprehensible conduct today: its failure to properly and timely care for our current returning soldiers.

Following are a few of the key conclusions drawn by independent scientists participating in the Admiral's Report:

1. The VA Committee's work was "non sensible" and "rather unsatisfactory" in its review and classification of the various studies it reviewed. *Dr. Robert Day, M.D. – (Director of the Fred Hutchinson Cancer Research Center of Seattle, Washington).*<sup>1</sup>

2. "An inadequate process is being used to evaluate scientific publications for use in public policy." *Robert Hartzman, M.D., Capt. MC US – (considered one of the U.S. Navy's top medical researchers).*<sup>2</sup>

*The Bureau of the Budget in the early 1980s ordered all agencies of government in essence not to find a correlation between Agent Orange and health effects.*

3. "When we [military scientists] initiated the herbicide program in the 1960s, we were aware of the potential for damage due to dioxin contamination in the herbicide. We were even aware that the military formulation had a higher dioxin concentration than the 'civilian' version due to the lower cost and speed of manufacture. However, because the material was to be used on the 'enemy,' none of us were overly concerned. We never considered a scenario in which our own personnel would become contaminated with the herbicide. And, if we had, we would have expected our own government to give assistance to veterans so contaminated." *Dr. James Clary, M.D – former government scientist with the Chemical Weapons Branch, BW/CW Division, Air Force Armament Development Laboratory, Eglin APE, Florida*<sup>3</sup>

4. "Errors were so egregious as to warrant an independent investigation not only of the methodology employed by the CDC [Centers for Disease Control and Prevention] in its validation study, but also a specific inquiry into what actually transpired at the Center for Environmental Health of the CDC..." *Dr. Landrigan (the former Director of the Environmental hazards branch of the CDC)*<sup>4</sup>

5. "Were the faulty conclusions, flawed methodology and noticeable bias of the [VA] Advisory Committee an isolated problem, correcting the misdirection would be more manageable. But, experience with other governmental agencies responsible for specifically analyzing and studying the effects of exposure to Agent Orange strongly hints at a discernible pattern, if not outright governmental collaboration, to deny compensation to Vietnam Veterans for disabilities associated with exposure to dioxin [Agent Orange]." *Admiral Zumwalt*<sup>5</sup>

6. "Shamefully, the deception, fraud and political interference that has characterized government-sponsored studies on the health effects of exposure to Agent Orange and/or dioxin has not escaped studies ostensibly conducted by independent reviewers, a factor that has only further compounded the erroneous conclusions reached by the Government." *Admiral Zumwalt*<sup>6</sup>

In an interview on July 26, 1999, Admiral Zumwalt reported finding a memo circulated by the Bureau of the Budget in the early 1980s ordering all agencies of government in essence not to find a correlation between Agent Orange and health effects, stating that it would be most unfortunate for two reasons:

1) The cost of supporting the veterans and

2) The court liability to which corporations would be exposed.<sup>7</sup> (As of the Admiral's death in 2000, no president has rescinded this order. Had it been, he would have testified to that fact during a Public Hearing on July 13, 1999.)

Shamefully, the Bureau of the Budget circulated this order with full knowledge of the fact that the secretaries of Agriculture, Interior, and Health, Education and Welfare knew and warned of the dangers of Agent Orange. Added to this background, the General Accounting Office (GAO) reported that over four million soldiers were in areas of Vietnam that had been sprayed with Agent Orange.

I believe we finally have the *TRUTH*. **The Bureau of the Budget is housed in the Executive Offices of the President of the United States.** I can only conclude that from the highest office of our government, the VA and other government agencies were ordered to lie – manipulate data to hide the *truth* regarding Agent Orange. By this memo, the Executive Office of the President was declaring our soldiers, who had been ordered to fight a war, an expendable commodity that could be “thrown away” in order to eliminate the cost of caring for our soldiers, and protect the corporations that made Agent Orange.

In 1984 Congress passed the Veterans’ Dioxin and Radiation Exposure Compensation Standards Act (“Dioxin Standards Act”). Congressional intent was to give veterans the benefit of the doubt related to Agent Orange exposure. However, the VA continued to improperly deny compensation to over 31,000 veterans with just such claims.<sup>8</sup>

Now we know *who* is responsible and *why* the VA was conducting itself as it has – to comply with the orders it had received from the highest office in the land, placing the profound social, psychological and medical costs of the Vietnam War on the backs of over **four million Vietnam veterans and their families.**

Unfortunately, there is no record of this “order” being rescinded and the VA, like a good soldier, has continued to obey it.

How has this diabolical conduct impacted our community? To find out, VST, Inc. conducted a North Idaho Agent Orange Survey, completed in August. Our objective was to get the truth about how Agent Orange has impacted our neighbors who served in Vietnam, and their families. Consider these direct quotes taken from the survey responses.

1. From a Vietnam Veteran (VV) medic who transported wounded soldiers – *“I was told by the VA that I didn’t qualify for assistance because I was a medic in a helicopter and never stationed on the ground. How can they say I wasn’t contaminated when every soldier I pulled into the chopper was covered with the stuff?”*

2. From a VV airplane mechanic stationed at a base in Vietnam – *“I was told by the VA that there was no way I could have been contaminated because I was a mechanic and never out in the field; but dozens of times every day it was my job to scrape the belly of the planes dropping Agent Orange to check for stress fractures. While I was scraping, that stuff would wind up covering me from head to toe.”*

3. From a VV forward air-controller – *“The guys spraying Agent Orange would fly low over us and wave and we would wave back.*

## Agent Orange Survey yields answers for Vet

### *Disabled children: Tragic Consequences of Agent Orange*

North Idaho resident “Edward”\* is in his mid sixties, served his country as a sailor in Vietnam during the Tet Counteroffensive of 1968, and was not injured, wounded nor hospitalized during overseas duty. His vessel operated at Dong Ha as well as the Hue River (Hue was the bloodiest and longest battle of the war, a victory for the Marines and South Vietnam Army.) The ship supported the “Mike Boats” of the “Brown Navy” that patrolled the rivers.

After his 365 days in country, “Edward” came home, was honorably discharged and settled down to start a family. When their two children were born in the late Sixties and early Seventies, “Edward” and his wife were confronted with the reality of children with disabilities. Their first child was born with brain/nervous system defects and a condition classified as short-limbed dwarfism. He appeared normal at birth, but as he grew, his arms and legs did not develop properly. His body became thicker and shorter than a typical child and his normal-sized head appeared disproportionate in comparison to his body.

The second child was diagnosed with Down’s Syndrome, digestive system defects and hip abnormalities.

Among the problems “Edward” struggled with over the years was a diagnosis of skin cancer.

Over the years, “Edward” and his wife coped with the challenges of raising children with disabilities. Lurking in the back of their minds was the nagging question: “Why?”

To have two children, both with major-league medical conditions, was, to say the least, baffling. The North Idaho Vietnam Veterans Agent Orange Survey shed light on answers for “Edward” and his wife.

“The survey brings to light suspicions I have had for many years,” “Edward” responded in the survey. “Research-

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*We were covered with it. We were told that Agent Orange was not a problem, not to be concerned.”*

4. From a VV Air Force Airman – *“I had to crawl in, on top of and around the planes that delivered [sprayed] the Agent Orange, so I know that I have been exposed to Agent Orange.”* Note – this Veteran has suffered for years with multiple skin cancers that have badly deformed his face and made speech difficult. The VA has refused to acknowledge that his cancers are the result of Agent Orange. There is no physical way C-123 cargo planes or helicopters spraying Agent Orange could not be covered with it, inside and out, upon landing. Fighter aircraft flying ground support over Vietnam also became contaminated due to low-level operations, bringing Agent Orange back to their airbase or carrier.

5. From a VV assigned to a classified operation – *“[He was] around boats, shores, water, brush, downed aircraft, helicopters – retrieving sniffer nozzles and recorder boxes, and attached wires from planes, helicopters, downed [crashed in combat areas].”* Note – the “planes” (C-123s) and helicopters were spraying Agent Orange. Because the mission was classified, there is no record of his involvement; traditionally, the military does not keep any records of classified activity. He currently has ten of the diseases (conditions) attributable to Agent Orange. Because his mission was classified, he has been denied *all* medical services – they have no record of his being in Vietnam. *Unfortunately, this is NOT an isolated example.*



**The moniker “Agent Orange” came from the orange stripe on the 55-gallon drum containing the dioxin-laden material.**

6. From an Air Force VV – *After hours I taught English to local VIN children until a child was sent to school with a bomb attached to his body. (According to reports, this was not an unusual tactic for the Viet Cong.)*

7. Many of those interviewed also talked about the atrocities they witnessed – an enemy that uses small children as bombs to kill our soldiers, hides within clusters of women and children and fires upon our men. During the Battle of Hue, one of the worst and costliest battles, the Vietcong murdered their own citizens and buried thousands of women and children – alive. One of the VVs interviewed was in Hue and witnessed the uncovering of one of the mass graves where over a thousand women and children had been buried alive. He still dreams of this nightmare.

Of the VVs that participated in the survey, 81.1% have the health problems identified by the Admiral in his 1990 Report.<sup>9</sup> Of these veterans, 23.6% have at least two identified health problems, 19% have at least three and 13% have four to ten of the listed health problems. By far, in the majority of cases, the VA has continued to deny medical benefits. We do not know how many have died prematurely but national estimates suggest it is in the hundreds of thousands. Unfortunately, such records are not maintained.

Author’s Note: Many of the veterans that participated in the survey were highly decorated – true heroes who gave their all to defend our way of life.

What these Vietnam veterans and their families have had to live with is shocking. When the Executive Offices of the President ordered all government agencies to not find a correlation between Agent Orange and health, they

were aware of the scientific fact that a soldier who had been exposed to Agent Orange could expect severe medical problems to be passed down to his children and grandchildren. For example, in 1978, the Environmental Protection Agency issued an emergency suspension of the spraying of 2,4,5-T [the dioxin in Agent Orange] in national forests after “a statistically significant increase in the frequency of miscarriages” among women living near forests sprayed with 2,4,5-T.<sup>10</sup>

*This is a tragedy of major proportions caused by our government’s deliberate, calculated actions to hide the truth about Agent Orange, dating back to the early 1960s.*

Over 20% of respondents have children with birth defects such as abnormal skull formations, spinal defects, defects of the digestive system, heart defects, Down Syndrome, Cerebral Palsy, brain or nervous system defects, and joint abnormalities (not counting miscarriages and stillbirths). According to available statistics, 3% of U.S. children are born with birth defects.

One VV had four children who were stillborn. The wives of two others had multiple miscarriages. There were an additional three miscarriages of grandchildren. While stillborn children and miscarriages are not uncommon, multiple occurrences are. And a 20% birth-defect rate is shocking.

Based on those who have taken the survey, and taking into account the number of Vietnam Veterans who wanted to participate but could not (due to VA threats of termination of service if they did), and based on the data received to-date, the number of children in our area who are suffering because of Agent Orange is far above the 3% national average.

This is a tragedy of major proportions caused by our government’s deliberate, calculated actions to hide the truth about Agent Orange, dating back to the early 1960s (refer to Dr. Cary’s statements). Had the truth been told then, actions, operating procedures and protective clothing could have been developed to substantially reduce the disastrous impact of this man-made chemical. That error in ethical conduct (hiding the truth), laid the foundation for decades of lies eventually resulting in the reprehensible Bureau of Budget memo that, in turn, set the foundation for the premature death of hundreds of thousands of honorable soldiers, and years of misery for their families.

The government’s duplicitous action has, literally, tortured families in North Idaho as well as all communities in a manner unheard of in U.S. history. Why? To save costs and protect corporations by denying help?

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The only conclusion that can be drawn from this information is that the suffering of our local veteran citizens and their children is the direct result of a shameful order by the Executive Offices of the President of the United States.

When I started on this mission of truth, I had no idea where it would take me. To say that I was shocked by the findings is an understatement. How can a government order citizens to fight a war, spray them with a chemical that is 150,000 times more toxic than organic arsenic, and then treat them as a disposable diaper?

This suffering was compounded by the way many of us treated these soldiers when they returned home – spitting on them, throwing rocks at them, ignoring what had happened to them. These acts were a disgraceful and shameful chapter in our history. Unfortunately, it fit into the “disposable diaper syndrome” established by the Executive Office of the President.

Questions remain. How can you trust a Government that orders all agencies to form the foundation for a perpetual lie that results in the suffering and premature death of hundreds of thousands of its citizens? How can you trust a government that acts with such total disregard for honesty and justice?

I can’t.

The VA is only an agency of the government established by our Congress. Congress has the responsibility to oversee the agencies it creates. Who was overseeing the VA? Where are the checks and balances created by our founders? How was it possible for the highest offices of our government to become so dishonest and craft a lie that kills its citizens? Trust requires honesty and truth. Where and how did we lose these critically important traits?

Maybe the loss of honesty and trust is our most serious national crisis. We will never be able to solve our economic and employment problems without a government we can trust. Our nation's problems cannot be solved by those practicing duplicity.

What can we do? First, send this report to your congressman and senator. Follow-up with a telephone call, e-mail or letter and demand that truth become the rule of government. Demand that they "fix" the problem by eliminating duplicitous conduct. Second, demand that the Epidemiological study of Agent Orange veterans be completed. The study was ordered years ago, but the VA refused to conduct the study and Congress failed to follow up and enforce its order. Finally, pray for success.

*Trust requires honesty and truth. Where and how did we lose these critically important traits?*

— Phenneger, of Coeur d'Alene, is a Vietnam-era veteran of the U.S. Air Force and for nearly 40 years was involved in data collection and analysis as an airline negotiator and business consultant. He founded Veterans Services Transparency, Inc., a non profit organization, to identify the truth about what is happening to veterans.

## *Disabled children: Tragic Consequences of Agent Orange*

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ing on the internet has convinced me that some of my problems and those of my children are the result of my exposure to Agent Orange. Upon discovery of my children's birth defects, doctors were without explanation as to why two children with such diverse maladies could have occurred in one family with no history of either type of defect on either side of the family tree. Maybe this is the answer."

Phenneger sought professional assistance from scientists familiar with Agent Orange, receiving specific, Dixon-related conditions to include in the survey. The long list of possible maladies includes Hodgkin's Lymphoma, Chloracne and other skin disorders, soft-tissue sarcoma, porphyria cutanea tarter, liver disorders, Hodgkin's Disease, hematopoietic diseases, multiple myeloma, neurological defects, auto-immune diseases and disorders, leukemia, psychosocial effects, gastrointestinal diseases, birth defects of offspring, malignant melanoma and cancer of the lip, bone, skin, lung, kidney, pancreas, stomach, colon, nasal/pharyngeal/esophageal, prostate, testicle, liver, and brain.

"After thinking back about situations that occurred while serving in Vietnam, I am convinced I was exposed to Agent Orange," "Edward" wrote. "And this may be the cause [of the conditions he and his sons cope with every day]."

Scientists have also established a company- and date-level exposure key veterans can reference to positively establish a soldier's exposure to Agent Orange. Research of military records has defined when and where every single application of Agent Orange was made, then correlated with troop positions.

"Edward" is quite specific. He experienced "direct exposure to people and equipment that had been in contact with Agent Orange, i.e., Marines and their equipment," he wrote. "Herbicide spraying near the ship along river banks."

"Edward's" case, and others, have Phenneger aghast. "It acutely demonstrates the profound repercussions of the effect on the family," he said. "It goes beyond the grandchildren of affected veterans. If you want to destroy a society, start with the children."

\*Name changed to preserve anonymity.

— Richard E Phenneger



## REFERENCES

<sup>1</sup> See Admiral Zumwalt Report to the Secretary – May 1990 (page 12), second paragraph; also Reference #35 on page 12.

<sup>2</sup> See Admiral Zumwalt Report to the Secretary – May 1990 (page 13), first paragraph; also Reference #36 on page 13

<sup>3</sup> See Admiral Zumwalt Report to the Secretary – May 1990 (page 4), Reference #5- Letter from Dr. James R. Clary to Senator Tom Daschlt (September 9, 1988)

<sup>4</sup>See Admiral Zumwalt Report the Secretary – May 1990 (page 18), third paragraph.

<sup>5</sup>See Admiral Zumwalt Report the Secretary – May 1990 (page 14), III CDC STUDIES, first paragraph.

<sup>6</sup>See Admiral Zumwalt Report the Secretary – May 1990 (page 22), Section V INDEPENDENT STUDIES, first paragraph.

<sup>7</sup> Transcript of; PRESIDENTIAL SPECIAL OVERSIGHT BOARD FOR DEPARTMENT OF DEFENSE INVESTIGATIONS OF GULF WAR CHEMICAL AND BIOLOGICAL INCIDENTS – PUBLIC HEARING, Tuesday, July 13, 1999, Washington D.C. – Admiral Zumwalt, pages 25 & 26. Also note – Online Interview, Admiral Elmo Zumwalt, July 26, 1999, page 3, Admiral Zumwalt, third paragraph.

<sup>8</sup>See Admiral Zumwalt Report the Secretary – May 1990 (page 10), A. NEHMER V. U.S. VETERANS ADMINISTRATION, first paragraph. Also note: #31, See e.g. 38 C.F.R. 3.310(b) (compensation granted for cardiovascular diseases incurred by veterans who suffered amputations of legs or feet); Nehmer at 1418.

Admiral Zumwalt quote explaining the Congressional Order and the VA's position: "*The significance of the distinction between a statistical association and a cause and effect relationship (emphasis added) is in the burden of proof that the veteran must satisfy in order to be granted benefits. A statistical association "means that the observed coincidence in variations between exposure to the toxic substance and the adverse health effects is unlikely to be a chance occurrence or happenstance," whereas the cause and effect relationship "describes a much stronger relationship between exposure to a particular toxic substance and the development of a particular disease than 'statistically significant association' does."* Nehmer, 712 F.Supp. at 1416." In other words, Congress ordered the "statistical association (i.e. you were in the area that was sprayed, therefore you were exposed)" as being only what the veteran must prove to qualify for benefits caused by Agent Orange exposure. However the VA refused to follow this order and continued with an overly burdensome cause and effect relationship and denied 31,000 veterans justifiable benefits according to Congress's order.

<sup>9</sup>See Admiral Zumwalt Report the Secretary – May 1990 (page 2) 1. INTRODUCTION, paragraph 4.

<sup>10</sup>See Admiral Zumwalt Report the Secretary – May 1990 (page 5) Section A. REASONS FOR PHASE OUT, fourth paragraph. Also see note #10, second sentence; "*Subsequent studies in Vietnam confirm the incidence of increased birth defects among civilian populations exposed to Agent Orange. See e.g. Phuong, et. al. "An Estimate of Reproductive Abnormalities in Women Inhabiting Herbicide Sprayed and Non-herbicide Sprayed Areas in the South of Vietnam, 152-1981 18 Chemospere 843-846 (1989). . ."*