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HOUSE COMMITTEE ON VETERANS AFFAIRS

PRESENTATION BY CHARLES W. KELLEY

December 6th 2005

PERIPHERAL NEUROPATHY CAUSED BY THE DIOXIN TCDD, OTHER TOXIC CHEMICALS THE VETERANS WERE EXPOSED, OR TO WARTIME SERVICE IN VIETNAM IN A TOXIC CHEMICALS (PLURAL) ENVIRONMENT

STILL DENIED BY THE VA AFTER 40 PLUS YEARS

I am the author of the newly released book "Vietnam's Rain Agents Orange, White, and Blue (Weapons of Mass Destruction)". <http://www.2ndbattalion94thartillery.com/book/bookorders.htm>

This book documents a four year review of DOD/VA/Government activity in denying the many effects of our Toxic Chemicals (Plural) Legacy.

Up until our "Vietnam Veterans Toxic Chemicals (Plural) Legacy" it had always been the policy of the Veterans Administration (VA) and "is currently the portrayed policy of the United States," with respect to individual claims for service connection of diseases and disabilities, that when, after consideration of all the evidence and material of record, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of a claim, the benefit of the doubt in resolving each such issue shall be given to the claimant.

The VA in promulgating the rules specified by the Dioxin Standards Act of 1984, not only confounded the intent of this "perceived intent of Congress," but directly contradicted its own established practice of granting compensable service-connection status for diseases on the lesser showing of "an increased risk of incidence" or "significant correlation" demanding instead the more stringent requirement that compensation depends on establishing a "cause and effect" relationship.

Veterans are now calling this "Dioxin Standards Act" and this so-called "benefit of the doubt mandate" only a "painted and portrayed government deception.

In direct opposition to the stated purpose of the Dioxin Standards Act of 1984 to provide disability compensation to Vietnam Veterans suffering who were exposed to Agent Orange, the VA continues to improperly and illegally deny and stall compensation for death and disability.

With the VA's definition of when the Veteran's claim ends, one would logically conclude the VA is now "legally allowed" to and in fact in many of my guys and my Marines "stalls to the death" of the Veteran.

This includes the VA's refusal to change the service connected rate for mortality that applies to surviving widows and orphans that would be compensated at an additional three hundred dollars a month. Considering that toxic chemical cancer war wounds have a six month to two year mortality or "free from cancer," it makes it impossible for the Vietnam Veterans to even cling to life to make the extra years required for the special widows and orphans compensations. Toxic chemical cancers can go undiagnosed for decades and are symptomless until it is too late. This is certainly a conflict, since the entire United States Government with over 25 years of stalling denied any damages from herbicides as Veterans died from the very cancers that were 25 years later pronounced "as associated."

Both of these issues are definite and defined "conflict of interests" between the Veterans and the "sole power" given to the Secretary of the VA and this very adversarial federal agency.

I would ask the congress. How it can possibly take 14 to 18 months to put a copy of DD-214 in a folder; a copy of those associated cancers, begrudgingly admitted to after over two decades of stalling, in that same folder; a copy of the cancer diagnosis, more than likely from a doctor that works for the VA itself, in that same folder and stamp it approved and get it over to disbursement. So the Veterans family can have the financial support they need while fighting with everything they have "the government/DOD caused cancer." This seems like a 10 minute job done by a sophomore in high school. Not a 14 to 18 month job done by educated federal civil service workers. One would have to wonder are they really that bad and inept; or they just directed to be that bad by the VA management.

The VA promulgating of the requirements was also found in a courts review in Nehmer v. U.S. Veterans Admin., 712 F. Supp. 1404, 1408. (N.D. Cal. (1989) wherein the court found after reviewing the legislative history of the Act that Congress intended service connection to be granted on the basis of "increased risk of incidence" or a "significant correlation" between the dioxin TCDD and various diseases." (1)

While the VA did not challenge the courts rulings or their ruling to force the VACEH to revisit the findings under the new protocol of evidence required. The VA instead just ignored the findings and the VACEH was replaced by the NAS/IOM. (1)

There are many Veterans, there are many members of Congress, there are many Americans who believe the Department of Defense and the Veterans Administration have been less than candid about the health effects that Agent Orange has had on them as well as on veterans' children. While the Government has acknowledged that some illnesses the Vietnam veterans developed are associated with Agent Orange exposure, and that these veterans can receive disability and death benefits. Many veterans believe that the health problems associated with Agent Orange are far more serious and widespread than the Government has acknowledged up to this point.

The search for latent illnesses associated with exposure to "herbicides" (plural) in our toxic chemical legacy demands persistence, confronting hard truths, and above all integrity. The United States Government has failed miserably with "purpose and intent" in these issues.

Prior to any studies or evaluation of these toxic chemical damages commencing there is evidence of the government/VA dragging its collective feet with total bias in addressing these issues with any kind of persistence and meeting the hard truths that hard data uncovered in our returning campaigners and then meeting behind closed doors with chemical company lead scientists and medical directors.

The head of the VA's Environmental Hazards Group went out into the medical community early on and pronounced that any scientists that found a problem with dioxin was nothing but a Witch Doctor. (1) Thus revealing the VA's total bias against Veterans and their families. We now know who the biased Witch Doctor really was and is and who was behind this bias.

The VACEH that held Vietnam Veteran's fate for 13 years operated from 1979 to 1991 was also heavily criticized for bias and lack of integrity. When independent prestigious scientific sources reviewed what this committee was doing and their processes. Statements were made that nothing this committee was doing should be used "for anything." Much less medical implications that would result in Veterans Compensations from death and disability. (2)

The NAS/IOM that took over in 1991 seems to be just a continuation of this bias and also less than forthcoming and honest in their assessments with regard to proof of associations that are really required in a court of law versus what the White House/VA wants, which as I found out is totally impossible scientifically and medically.

Twenty three years ago, the Air Force began a 25-year, \$140 million research program to assess the relative health of 1,300 ranch hands, air and ground crew members who handled and sprayed Agent Orange and other herbicide defoliants in Vietnam. The Ranch Hand Study was designed to generate significant scientific data and analysis to be used by the Department of Veterans Affairs [VA], and others in making health care and compensation decisions regarding Vietnam Veterans.

Nevertheless, according the General Accounting Office (GAO), Ranch Hand has been slow to publish findings, unwilling to share data, inconsistent in conveying design limitations, and resistant to congressionally mandated participation by "independent parties." (3)

Controversial from the outset, the Ranch Hand study has been consistently criticized for both scientific and administrative shortcomings. Many believe Ranch Hand has so far failed to fulfill its promise as the pivotal longitudinal study of herbicide toxicity. Some conclude it never will. Others believe this research was designed to fail or manipulated to avoid controversial findings.

Senator Daschle concluded when the first report was released in 1984 when compared to the original scientific draft that this was not just an interpretation of the medical facts found but the "perpetration of fraudulent government conclusions." (2)

After reviewing the transcripts of the government oversight committee on Ranch Hand and the testimony of scientists themselves that were a lead part of the Ranch Hand; the head of medical research at Kansas State University (a two time member of the Ranch Hand study), and an advisor to the VA Secretary from Yale University. It was painfully obvious this study

deserves this well-founded criticism.

There were direct charges of command influence being used, the changing of cleared for publication medical facts that were found, the changing of established protocols directed by using the name of the Surgeon General, linear dioxin dose responses to medical disorders that "were not understood" were and are not reported found, disorders found at a 50% increase "or more" are not reported because no dioxin linear dose response could be determined, etc, and an overall total lack of integrity. (3)

Additional charges were made that the study was only crafting for peer review and publication; not actually publishing the found facts.

The ultimate lack of integrity charge was that for 20 plus years the study had and continues such cover-ups to have never given the Veterans "a fair and unbiased assessment of their toxic chemical health status" in birth defects, other cancers, heart disease, vascular disease, neurological ailments, endocrine disturbances, and hematological difficulties. (3)

I would also add even B and T cell dysregulation found that may even be the secondary root cause of all of our wide variety of issues of death and disablement is ignored. This includes down and up regulation in Interleukins 4 and 10, Interferon, and some disturbance of the tumor necrosis factor. (4)

Thus creating increased incidence and severity of infectious diseases as well as cancers. Conversely, inappropriate enhancement of immune function or the generation of misdirected immune function are considered to represent immunotoxicity effects of chemicals. Or since it proven there is up and down regulation, TCDD can create both at the same time.

Yet, even this obvious disease and disorder progression of any of the many autoimmune disorders created by a toxic chemical caused dysfunctional immune system is denied by the Secretary of the VA and his staff. Including the manifestation of smoldering cancers and cancer conditions.

Some suggested that the Congress had given entirely too much power to the Secretary of the VA and its White House directed philosophy. I would add that Congress assuming "integrity" gave too much power, when there is very little government integrity that accompanies any such "sole power" in our government or any government.

Some in congress have even suggested that data should be from some outside agency and not from a major role player such as the VA and the Air Force.

I would add that after my four year review of these so-called toxic chemical assessments, I would conclude it would have to almost be an international committee of totally independent scientists; not associated with the EPA, VA, FDA, any branch of the DOD, and certainly out of the mandatory influence of our own White House. Very similar to what the EPA did in their dioxin reassessments of 1992-1996 where they used over 100 independent scientists NOT associated with the EPA or any government influence.

The EPA's previous history in the 1970's and the 1980's is certainly tainted with some EPA scientists with integrity finding the chemical company studies being presented in court were fraudulent. Their reward for demanding something be done was suspension. (5) (6)

Of course the government used these fraudulent chemical company studies in their campaigns to show that no damage was being done. When it came out that these studies were "indeed fraudulent" the government silence was deafening.

One EPA scientist wrote a scathing report shooting holes in the chemical company studies and issues. His report was summarily shelved in 1979 by the EPA. Yet, it documented many of the findings that would be presented in the EPA's "dioxin reassessment" some two decades later. (5) (6)

Another 20 years went by while our most noble of all citizens died or became disabled since their doctors had no idea what to look for and no one in our government gave them a chance at a first medical strike against a cancer or an autoimmune disorder.

One of the most despicable events I ran across in my review of the Ranch Hand Transcripts was when one scientist, not wanting to duplicate his work asked; Would it not be better to wait to review the chapters until the Air Force gets done with all its changes? The leader of this group then stated we do not want to say "changed." The scientists then said, "OK how about Airbrushed" as laughter broke out in the room. (7)

Veterans are going uncompensated in death and disability and this group is laughing at the fact the Air Force is going to change what they as scientists have found or suspect.

To include charges were made that totally rewriting some chapters was only to "de-emphasize" the real findings.

This White House philosophy made "not to support our Vietnam Veterans" in lieu of protecting and minimizing chemical company costs that would be incurred (*reference White House memo put out to federal agencies) and then deny Vietnam Veterans and their families death and disability benefits seems to be now "a learned and accepted practice" by our government. (8)

(8)

The White House Bureau of the Budget put out a memo to all the agencies of government in essence not to find a correlation between Agent Orange and health affects. Stating that it would be most unfortunate for two reasons:

- A) The cost of supporting the Veterans.**
- B) The court liability to which corporations would be exposed.**

This White House/DOD/VA philosophy seems to permeate research and similar studies for Gulf War Syndrome, anthrax vaccine recipients, the Veterans of Project 112 testing and SHAD

testing, and the Edgewood Arsenal testing, etc. There is also the known previous history of DOD/VA cover-ups in Nuclear Testing and LSD testing.

It is time all past, present, and future Veterans make this White House/DOD/VA philosophy a National Security Issue. This especially holds true for the mothers and fathers that this government wants to send their sons and daughters into harms way. They need to realize "The Last Battle They Will Fight" is against our own government.

In Attachment 1, I have provided the various and wide variety of symptoms of this peripheral neuropathy debilitating disorder in nerve damages as well as the wide variety of severity of this toxic chemical caused nerve damage disorder.

<http://www.2ndbattalion94thartillery.com/Chas/VACAttachment1.htm>

In Attachment 2, I have provided the overwhelming medical and statistical evidence that categorically supports this chronic and debilitating disorder of peripheral neuropathy is associated to the dioxin TCDD and/or Service in Vietnam regardless of which toxic chemical or group of toxic chemicals was the causation. This evidence goes back to 1949, as well as present day epidemiological studies; including Office of Technology Assessment results commissioned by congress itself in 1989.

<http://www.2ndbattalion94thartillery.com/Chas/VACAttachment2.htm>

While the VA wants to contend that only diabetes can create this nerve disorder you will see in ATTACHMENT 2 the p-values found and other studies, as well as our own government studies, conclude that this disorder is far from only associated to diabetes and with respect to Agent Orange and is the "most prolific disorder found" as a stand-alone. Medical and study evidence shows far and above the VA's notorious statement "just as likely as not."

Time not permitting today I will leave it up to the members and the media to review this direct evidence and move on in the presentation.

Most of you are lawyers, so when you review this evidence put yourself in the position of a practicing attorney and in a "real legal system" where evidence means something; not this trumped up Veterans' Board of Veterans Appeals. Decide for yourself if I have proven my case medically, statistically, and scientifically to what congress intended to be compensated for government mistakes. Then multiple that by thousands of disabled Veterans with the same issue that this government is letting down with no financial support for "government wrongdoing and out and out government mistakes."

Also, please review the BVA case file in ATTACHMENT 3 that categorically demonstrates that even when everyone concluded this Marine's nerve disorder was at least a 50/50 chance caused by his toxic chemical exposures. The BVA then states they give more evidentiary weight to the "medically astute Secretary of the VA and his statements made that denies such associations.

<http://www.2ndbattalion94thartillery.com/Chas/VACAttachment3.htm>

The White House had already decided this Marine's case in 1984 with their philosophy "not to

support the Veterans." It was not decided in 2003 at the BVA after fighting for eight years to even get that point of even an appearance at the BVA. The whole VA legal system is a joke that operates around a mandated budget only. Not truth or evidence of facts as in a real legal system under the constitution. No different than they find a way to trump the entire congress at the behest of White House Budgets, not facts.

When MD Anderson Cancer Center one of our nations most prestigious cancer treatment and research hospitals, also known around the world, indicates that one of my Marine's diagnosed cancer is from TCDD and Agent Orange from a statement made by one of our nation's foremost doctors at MD Anderson; this is also overridden by the medically astute Secretary of the VA and his staff. Even though his cancer shows a residual dioxin TCDD attachment of 22 parts per trillion. Plus, studies show a Risk Ratio of over 2.3 for that cancer because of dioxin exposures.

When studies show an increase of 5.6 risk ratio directly related to a group of Veterans in a single Corps Area and to the dioxin TCDD to such cancers as brain cancers. The VA overrides such studies even when these studies are quoted by Cancer Treatment Centers. Even when there are at present over 3400 BVA appeals for the same brain cancer of those men that are still alive and should be considered hard data of Service in Vietnam. This also is totally ignored just as much of the hard data at the BVA is also ignored. (9)

When totally blind studies, unlike our own government studies, show a p-value of association to the dioxin TCDD in one disorder of $p = 0.039$ and when the comparison of difference between Vietnam Veterans and Non-Vietnam Veterans shows an astounding $p = 0.0042$ proving both statistically and medically this debilitating disorder is associated; this medical disorder is still denied by the Secretary of the VA and his staff. (10)

When a second study confirms this same disorder as "the most prolific disorder found in Vietnam Veterans" this disorder is still denied by the Secretary of the VA and his staff. (4))

The whole premise of our Nation's legal system in setting precedence's is outlawed in this VA court and so stated as such. This is one reason why it takes a Veteran's claim 10 to 20 years to get through this government sham and why there are over 500,000 cases in the system at the BVA level alone. One hundred thousand cases can be identical and yet each one is considered totally separate with no regard to what one BVA court found over another.

Either these BVA officials are our Veterans' judge, jury, and executioner or they are not.

If they are, then there is no reason in this legal world that one decision as a precedent cannot be used in making approval decisions in a matter of minutes; not decades.

If these BVA legal folks are only there to enforce a White House mandated budget or create a Veteran's Compensation Lottery; then admit it is a sham and let the Veterans go back to a constitutional real court where evidence actually means something. To include 100 year old precedence's in legal rulings and medical findings.

The head of the BVA at his senate coronation suggested that VA benefits are "gratuities," which would indicate gifts. I do not think you will find that word used in the recruitment and NCO retention speeches. Instead these are benefits earned by deeds, valor, and honorable service to a government that now treats it promised Veterans as "used up obsolete government assets." Maybe that also should be included in the recruitment and retention speeches.

ATTACHMENT 4 documents statements made by some of the Edgewood Arsenal testing Veterans. A despicable government act indeed. <http://www.2ndbattalion94thartillery.com/Chas/VACAttachment4.htm>

ATTACHMENT 5 documents statements as just one example made by the daughter of a Veteran and how the government has treated him. Does anyone really believe that she will recommend any military service to her offspring or any one else she comes in contact with after she has lived the government/DOD/VA treachery. Yes, I deleted her name for fear of VA reprisals. <http://www.2ndbattalion94thartillery.com/Chas/VACAttachment5.htm>

So much for the "Mandated Benefit of the Doubt," the "Congressional Mandates," and the "Congressional Dioxin Act of 1984." The VA just in turn, adds legal nomenclature to C.F.R 38 that trumps anything Congress has intended or "at least on face value had intended" to accomplish for Veterans. Veteran's cannot only not get the "mandated benefit of the doubt" as to causation. That even when the entire United States Medical Community categorically states that in 33% of the cases you will never know the causation the VA then still demands that very fact! Demanding medical facts that our most prestigious research hospitals cannot even give those facts.

For a Federal Agency to be this poor in performance, it has to try real hard to be just that. Not only poor in performance but integrity as well. Make no mistake; this is a very adversarial agency that works at the behest of the White House, not the Veterans.

As a side note, I have to smirk at all the present political wrangling going on with the Supreme Court Justices. For Veterans of this nation it is irrelevant who is on the Supreme Court or even the constitutional legal system that guarantees protection for the rest of the Nation's Citizens against government corruption and collaborations. With the power congress has given to the Secretary of the VA and to each successive White House. For the Veterans and their widows the Secretary of the VA becomes not only the executive and legislative branch of government but also their Supreme Court, as all their real legal rights "as citizens" are laid aside.

Without question, the Feres Doctrine has denied American service members, veterans, and their families "equal justice" under The United States Constitution.

Many federal judges, scholars, lawyers, doctors, veterans and their families argue that the Feres Doctrine is unconstitutional since it violates the "due process, equal protection and separation of powers" clauses of the Constitution. The most significant dissenter in modern times is sitting Supreme Court Justice Scalia as cited in the case of United States v. Johnson, (1987):

“Feres was wrongly decided and heartily deserves the widespread, almost universal criticism it has received.” Furthermore, "Congress's inaction regarding this doctrine and its doing little, if anything in the way of modifying it to prevent Constitutional claims is clearly unjust and irrational. Again, allowing such power to military leaders can and does result in abuse therefore, where are the checks and balances on the military.”

Yet, still to this day Congress will not address this issue of the DOD is presently allowed to do anything it wants with no accountability, including what many consider "crimes against humanity itself," in biological, toxic chemical, and chemical toxin testing which this very country hanged individuals for after WW2. Thus leaving the Veterans with no legal redress as guaranteed by the constitution that "they alone" so valiantly and honorably fought to protect.

Add to this the omnipotent sole power and a “totally separate legal system” with no rules of any constitutional oversight given to VA by Congress in C.F.R 38, paragraph 511 and you have total government anarchy for one complete segment of society in this nation called “Veterans.”

The pledge that congress repeats daily is: I pledge allegiance...with liberty and JUSTICE FOR ALL. This pledge does not have an extra note that says "ALL" is not inclusive for those citizens that once wore the uniform of the United States Military.

The evidence I have submitted to you in ATTACHMENTS 1 AND 2 are strictly on this one disorder of nerve damages but there are many disorders that have an equal amount of medical evidence that I can address should you choose to "hear the truth." This includes generational birth defects.

For anyone to conclude that with all the toxic chemicals there is only one "unique specific birth defect" attributable to the exposures probably works for the government or is part of the government contracted studies. Especially, since that one birth defect falls under a category of birth defects called "tubular birth defects" and that is medically impossible to have a group of toxic chemicals or even a specific toxic chemical causing only one of the many birth defects associated to a group of birth defects.

I am also prepared to discuss the disingenuous method of separating maternal and paternal defects compensations when the facts of the studies are almost identical except the paternal defects require a linear dose response. While the maternal defects require only "Service In Vietnam." A totally double standard used by the VA for nothing more than numbers of victims, politics, and money.

You just have to give me time to address each issue, as I am physically able to do so.

When President Clinton approved this nerve disorder as being associated the nomenclature used was; “ACUTE NEUROPATHY.”

The DVA/White House to control the Veterans’ compensation expenditures put a time limit on this prolific nerve disorder with a time limit of resolution and/or cure of this nerve disorder.

The first proposal was for a 10-year time limit and a two-year resolution. Many scientists and doctors protested even this VA action to Secretary Derwinski. What it ended up was a one-year time limit and a two-year resolution announced in 1996. Which makes about as much sense as concluding the following: “That within 678 and one-half days the Veteran must manifest in order to draw disability compensations.”

It does not take a mathematical genius to crunch the numbers and calculate that even when this nerve disorder was announced, “As Associated,” no Veteran at that time could qualify or would ever qualify. Nice propaganda move on the part of the VA, its’ Secretary, and the White House.

The VA then classified this nerve disorder; “transient acute and sub acute peripheral neuropathy,” which no Vietnam Veteran has submitted for compensations.

In the VA propaganda magazine “Agent Orange in Review” which should be “Dioxin TCDD in Review” since no (zero) “U.S. Government Study” has done any studies on the herbicide Agent Orange, the issue was falsely printed as Peripheral Neuropathy. Only after protests by Veterans, such as myself, that this was a VA mischaracterization to the public did they finally change the listing to some form of truth.

Including complaints from Veterans, such as myself, of Veterans’ Magazines reprinting the bogus VA claims. In which, editors printed retractions after realizing the truth.

By associating this medical disorder and two other disorders to a time limit, the VA has distanced themselves from the real causes of the three time limit disorders.

In fact, by determining a time limit and pronouncing that a cure is available or at least the nerve damage will resolve itself over time; the DVA and the National Academy of Science Institute of Medicine (NAS/IOM)**, the hired guns of the government replacing the despicable Veterans Affairs Chemical and Environmental Hazards Committee that operated from 1979 to 1991, certainly must have concluded the following:

- The concluding morphology of how the dioxin TCDD directly creates this transient acute and sub acute peripheral neuropathy outside of an antigenic response since scientists categorically state that the single dioxin (TCDD) does not create a body antigenic response such as spider bite or even some poisonous plants that are ingested.

Therefore, one must conclude that the VA and the NAS/IOM have discovered this morphology and have kept this medical secret to themselves.

- The VA and the NAS/IOM certainly have concluded not only the morphology, since the time limit of manifestation is now mandated. They certainly must have established either the minimum “total body threshold” regardless of means of ingestion or at least the minimum “dose rate” by specific methods of ingestion that equates to a mandated manifestation within one year of exposure to the dioxin TCDD.
- The VA and the NAS/IOM have some how determined that every Veteran serving in

theater during his or her 12 –18 months wartime service shall have achieved this magic “minimum exposure” required to the dioxin TCDD to manifest within the year after leaving the wartime theater. This would also include those that were wounded within three months of entering the war and left theater.

Yes, all of this is government/VA medical nonsense.

The VA and NAS/IOM have concluded a cure or resolution for this nerve disorder does exist. Yet, in seeing three board certified neurologists; one of whom was the head of neurology at Emory University indicates this nerve damage is chronic, debilitating, and not curable. It is self-manifesting from the secondary effects of the toxic chemicals. Not an antigenic response and more in the form of an autoimmune disorder, which is one of the cruelest of all diseases and disorders.

Some have suggested that to have this nerve disorder this badly it had to be caused by either heavy metals or toxic chemicals and not a diabetic connection. Once again it seems the VA and the NAS/IOM know how to cure this nerve disorder when the rest of the nations board certified doctors/neurologists seemed to be nothing but board certified quacks.

The Congress has gone along with this DOD/VA collaboration that everything is associated to one single toxic chemical component (the dioxin TCDD) of three major Herbicides used; which is sheer and total scientific nonsense.

We know that "Agent Blue" was a form of arsenic acid that is noted for its neurotoxicity properties including warnings of creating nerve damage such as peripheral neuropathy as well as many issues that overlap what the VA is saying is only the dioxin TCDD causations. (11)

We now know that "Agent White" with its DOW chemical proprietary formula had other forms of dioxins outside of the dioxin TCDD, closely related furans, as well as nitrosamines. And that this fact was never made known to the FDA, EPA, or to any other federal agency. (2)

We now know that Agent White contained Hexachlorobenzene, a noted liver damage toxic chemical.

“Nitrosamines are a type of carcinogenic chemicals that are known to cause cancers and other medical problems.

Exposure to high concentrations of nitrosamines is associated with increased mortality from cancers of the esophagus, oral cavity, and pharynx. When used in pesticides or herbicides it may cause DNA damage and cell death.”

Congress must realize the synergy effect of all these toxic chemicals used in one area can increase the potency and generated outcomes by a factor of 1600 times when using only two toxic chemicals over what a single toxic chemical can produce. (12)

The bottom line for Vietnam Veterans is that no one will ever know what caused what to some

level of "cause and effect" that the DOD, the VA, and our White House is demanding to a single toxic chemical element for death and disability compensations.

Attachment 2 documents just how ridiculous this stand by the VA really is with respect to actual science, medical facts, statistics, and above all common sense with regard to this most prolific Vietnam Veterans nerve disorder. With wide ranging symptoms from constant discomfort and much pain to mimicking a muscular dystrophy issue with wasting and weakness of the limbs requiring a wheel chair or leg braces.

**** (NAS/IOM is the government-contracted agency that associates Veterans Medical Issues in assisting DOD cover-ups and mistakes. The same government contracted agency that for 10 years led the finger pointing that stress in a 100-hour war where the enemy was retreating and being slaughtered caused all the death, disability, and birth defects in our returning Gulf War Veterans.) Veterans now know better after 10's of thousands became disabled and/or died and other INDEPENDENT studies show stress had nothing to do with this death and disablement.**

Many Veterans that have dealt with the NAS/IOM and their total bias are now concluding they work at the behest of the White House/DVA connection only. Given requests to IOM to define the "evidences" of presumptive service and service connection, but in no way does anyone specify what that is or what level of proof is required; at least that anyone will admit.

Because NAS/IOM is a separate and private entity from the VA then the IOM is wholly subject and liable to both political and legal methods.

Many are suggesting Veterans and their families take NAS/IOM (and specific individuals within the NAS/IOM) to task under tort claims and malpractice, discrimination, and bias inside the Veteran's arena. (Very similar to those individuals within the top levels of the VA that the Vietnam Veterans of America are now taking to court for their willful and wanton cover-ups of SHAD testing.) Since they signed the papers and documents, they must now defend their convictions regardless of who in the DOD/VA directed such nefarious actions against Veterans for the sake of the DOD and/or politics and money.

One of the jobs of our congress as our elected government officials is to make sure that no government collaboration or conspiratorial actions can or will take place against any single segment of society. It should not matter that we once wore the uniform of the United States Military.

When you created the Veteran, you do not lay aside the citizen.

Is this then their reward for serving an ungrateful President(s) who would rather protect chemical companies than support those who defended the constitution and then have no rights to its very protection.

One of the definitions of "honorable" is, "characterized by integrity: guided by a high sense of

honor and duty." While that certainly fits the men this nation sent to do battle for 10 years. In our toxic chemicals (plural) legacy our own government has not been forthcoming nor honorable.

I will close with a statement by Congressman Shays from the 2000 Government Oversight Review of the Ranch Hand Study: (3)

"At what level do you think Government should consider compensation? Should we have a no shadow of a doubt? The reason why I am asking the question is I have concluded, based on our work that we have done on Gulf War illnesses, based on our review of Agent Orange, that I have to be honest with our veterans. By the time we will know the scientific data, you are dead. You will either have died early or you will have died in your old age in pain, but you will not get help from the Federal Government."

What the congressman left out was; this is all White House/DOD/VA purposefully calculated and planned for politics and money.

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REFERENCES:

- (1) See Nehmer v. U.S. Veterans Admin., 712 F. Supp. 1404, 1408. (N.D. Cal. (1989). wherein the court found after reviewing the legislative history of the Act "that Congress intended service connection to be granted on the basis of "increased risk of incidence" or a "significant correlation" between dioxin and various diseases," rather than on the basis of a casual relationship.
- (2) Department of Veterans Affairs Report "Classified Confidential Status 1, not for Publication and Release to the General Public." A report regarding adverse health affects from exposure to Agent Orange; Dated May 5 1990.
- (3) March of 2000, House of Representatives, Subcommittee on National Security, Veterans Affairs, and International Relations, Committee on Government Reform, Washington, DC, ; Oversight review of the Ranch Hand Study.
- (4) Immunotoxicological Effects of Agent Orange Exposure to the Vietnam War Korean Veterans, published in Industrial Health 2003, 41, 158-166.
- (5) EPA Collusion with Industry: A Very Brief Overview, by Liane C. Casten, Environmental Task Force Chair of Chicago Media Watch.
- (6) See L. Casten, Patterns of Secrecy: Dioxin and Agent Orange (1990) (unpublished manuscript detailing the efforts of government and industry to obscure the serious health

consequences of exposure to dioxin).

(7) October 14-15, 1999 Ranch Hand Advisory Committee Meeting, transcripts from

(8) Taped interview by Moon Callison with Admiral Zumwalt on July 26th 1999 discussing his role in the Department of Veterans Affairs Report "Classified Confidential Status 1, not for Publication and Release to the General Public." A report regarding adverse health affects from exposure to Agent Orange; Dated May 5 1990. (America's Defense Monitor (ADM's) Moon Callison interviews the former Chief of Naval Operations, for "Environmental Impact of War").

(9) Department of Veterans Affairs Oakland Regional Office approved case of Brain Cancer involving a Vietnam Veteran and statements of fact and evidence made by the doctors at Mercy Regional Cancer Center.

(10) Impact of Agent Orange Exposure among Korean Vietnam Veterans, published in Industrial Health 2003, 41, 149-157.

(11) Recognition and Management of Pesticide Poisoning, 5th edition, U.S. EPA, Chapter 14.

(12) Pesticides and human pathology by Francisco Lopez Rueda, Presidential Advisory Committee on Gulf War Veterans' Illnesses.