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***If Veterans don't help Veterans, who will?***

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# Veterans Have Been Deprived of Their Earned Benefits for Two Decades

By John B. Wells, opinion contributor — 11/28/18 05:00 PM EST

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When a veterans bill passes the House by a vote of 382-0, one would think that the Senate would quickly follow suit and send it to the president for signature. However, in

today's partisan environment, unanimous votes are hard to get. But after a seven year struggle, Navy veterans succeeded in doing so.

A volunteer grassroots effort educated Congress on the need to extend the presumption of agent orange exposure to those ships who serve in the bays, harbors and territorial sea of the Republic of Vietnam. Tens of thousands of sick and dying Navy veterans and their survivors, cheered the House vote and thought that they would finally receive their earned compensation and medical benefits.

The tragedy of the so-called Blue Water Navy veterans began in 2002 when the VA Secretary, with a stroke of a pen, rescinded the presumption of exposure authorized by Congress in the 1991.

The VA general counsel, ignoring both domestic and international law, decided that the term A service in the Republic of Vietnam was limited to the land mass and internal river system. Despite the fact that the United States recognized Vietnamese sovereignty over their territorial sea, the VA decided that Vietnamese sovereignty ended at the water's edge.

Reacting to the House vote, VA bureaucrats fought back. At a hearing before the Senate Veterans Affairs Committee, VA Under Secretary Paul Lawrence, an Army veteran with no nautical experience, argued that science did not support the exposure of the Navy veterans.

The most senior Naval officers and hydrologists agree that the bill is well grounded in science. The Institute of Medicine has confirmed the accepted view that the agent orange petroleum mix floated into Vietnamese estuarine waters. Another study by the State of New Jersey found that a spill in the Passaic River contaminated seafood over 150 miles from shore. The scientific facts speak for themselves.

The Institute of Medicine also confirmed findings by the University of Queensland that the evaporation distillation system, that converted salt water to potable water, actually enriched the dioxin. Our Australian allies also discovered a higher cancer incidence in Navy Vietnam veterans than those who fought in country. The Center for Disease Control found similar heightened occurrence of Non Hodgkins Lymphoma in Navy veterans.

The VA argued that Navy ships did not distill water within twelve miles of shore. This guidance, issued two decades after the war, allowed potable water distillation at the Commanding Officer's discretion and placed no restriction on the distillation of feed water for the boilers. The same system was used for both. Harbor water used for the boilers contaminated the entire water distribution system. This information had been previously provided to the VA.

The previous Secretary Dr. David Shulkin supported the bill. In a letter to Sen. Johnny Isakson (R-Ga.) Shulkin stated that many of our Vietnam Veterans were not treated with

the dignity and respect that they deserved. But those were different times. We now can do better. These Vietnam Veterans have waited too long. It is time for us as a country to do the right thing.

When the VA withdrew support for the bill, it tied the matter up in the Senate Committee where it could die at the end of the session. In a letter to Chairman Isakson, Wilkie complained that the bill would set a precedent and intimated that the archaic Veterans Benefits Administration could not absorb tens of thousands of claims requests from these veterans, as well as hundred of thousands, or perhaps millions, of claims from other victims of military toxic exposure. Secretary Wilkie has agreed to meet with Military-Veterans Advocacy representatives on Dec. 3 to discuss the issue.

As the lame duck session comes to a close, the Senate is still considering the House bill to extend the presumption of exposure to ships that served offshore. On the horizon, is the case of *Procopio v. Wilkie*, pending at the Court of Appeals for the Federal Circuit which could result in the same expansion. The question is will relief come first from the courts or Congress; or not at all.

President Trump has stated repeatedly that it is the VA's job to take care of veterans. Yet these veterans have been deprived of their earned benefits for the better part of two decades. Whether through the courts, Congress or the VA itself, it is time for this country to recognize the sacrifice of these veterans and restore their benefits.

*John B. Wells is a retired Navy commander who served for 22 years on several ships as a surface warfare officer. In his second career, he is an attorney emphasizing military and veterans law. He now acts as executive director of Military-Veterans Advocacy a Slidell, Louisiana based non-profit.*

<https://thehill.com/opinion/healthcare/418757-veterans-have-been-deprived-of-their-earned-benefits-for-two-decades?fbclid=IwAR3B5IRoJQkMNiKBfA9ec1aSj-zowOai42PZobgmCcxv07lcz-zRPIR3nD0>