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# The War Crimes Burden of Proof



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***Though it is way past the time when all the cards needed to be laid on the table regarding the military and commercial use of Agent Orange, it is appropriate that finally, on the 50 year mark since its use in the Republic of Vietnam during the Vietnam War, that maybe we are finally on the road to closure.***

With Congress now visiting the issue under Senate Bill S-1629, there might be a chance the millions of people exposed to the human experimentation in the use of Agent Orange to get a fair hearing. Though S-1629, in its current form, only addresses the coverage issue of the blue water navy under the Agent Orange Act of 1991, we have a unique opportunity through the use of voter pressure, to force the sub-committees to review all the evidence that has caused health care misery, death, birth defects, and still-born fetuses to millions of people, both military and civilian.

For most Americans, particularly those of us who like to think of ourselves as “patriotic”, it is a hard pill to swallow to believe our government actually used CBW (chemical and biological weapons) in Vietnam and here in the United States in cities, towns, and public areas exposing human beings to horrors that can only be equated to the use of Mustard Gas during WW1, and that they didn’t know the consequences of such actions. Not one American in a hundred has any idea that Agent Orange and the Rainbow herbicides used to defoliate the jungles during the Vietnam War were actually part of the US arsenal of chemical and biological weapons. But it is a fact!

If that is not enough, even fewer people know that these same chemicals were used right here in the United States in places like Times Beach, Missouri (1972-1976), and the Pinal National Forest in Arizona (1965-1969), and have wreaked havoc on the lives of those living in the area. In Times Beach Agent Orange was sprayed to hold-down dust on dirt roads and to control vegetation along the roadside. In the Pinal Forest it was used to control vegetation and minimize the risk of wild fires. These are two of many locations where American citizenry was exposed to the problems created by the dioxin component of Agent Orange.

A funny thing that’s not so funny, is that our government has taken the position that they were unaware of the hazards of DIOXIN, and has even gone to great lengths to protect

the chemical companies (Dow, Monsanto and a dozen others...all big contributors to the election and re-election campaigns of our legislators) which manufactured Agent Orange, contending they should be held harmless because of the unique status of being "government contractors". Our government has lied, concealed information, illegally destroyed veterans' records, mislead and stonewalled investigators every time the Agent Orange issue comes up, and what's even worse is that the governments of Canada and Australia have been just as deceitful in whitewashing the Agent Orange fallout.

To address the issue head-on, it's a little late in the game for the Veterans Administration, the department of Defense, and our government, to deny anyone coverage for Agent Orange exposure health care issues, if that person or group of persons, can show there is reasonable expectation that exposure could have occurred. The only way to offer such proof is for our government to open the books. Let us have access to the records. Let's cut out the stonewalling and concealment, and better yet, turn these records, the whole trainload of them, over to Congress for a complete investigation. ***We can no longer allow the alcoholics to run the liquor store!***

The readers of my columns know I am a Conservative (comfortably situated to the right of Attila the Hun). I am against wasteful government spending. I am for individual freedom and self-responsibility, BUT I am, above all, for FAIRNESS, and if we as a nation have committed an injustice, we must take responsibility and pay whatever price is due to those who have been wronged by our use of Agent Orange. The record profits enjoyed by Monsanto and Dow over the years, should be used to minimize the cost to taxpayers. Just last year Monsanto reaped a profit of \$2.1 Billion and Dow \$866 million.

We have a government today that couldn't run fast enough to the aid of Wall Street when the housing market bubble burst to assist them financially, mainly due to the self-interest and greed they used in taking our country to the brink of financial chaos. These excesses were caused primarily because of government wrongheaded policies that mandated lax credit checks for home ownership; doctored credit applications; bundled bogus home loans, and countless other trickery allowed by little or no government oversight.

The same is true for the bailout of the auto industry, whose poor management, non-competitiveness, and rich financial reward for executives was only topped by union largess and unwarranted compensation programs that exceeded wages paid by offshore competing car companies, who by the way, were producing superior products at less cost. Our benevolent government bent over (in this case "forward") to come to the rescue rather than let market forces work. Inevitably, had bankruptcy occurred with Chrysler and GM, they would have survived as much leaner companies with renegotiated union contracts, and the government could have then considered "loan guarantees" to support their re-emergence.

When it comes to the Agent Orange issue, for 50 plus years our government has stood in the way of the victims, primarily the veterans early-on, by denying any knowledge about the health hazard associated with its policy of defoliation...an outright lie by the simple fact that Agent Orange was listed as a CBW, and that it was well known as far back as the Forties, that Agent Orange's key ingredient, DIOXIN, was one of the deadliest chemicals ever developed. With the onus of proof upon the veteran, and by denying access to

records and files, the government grew obviously more confident in their ability year after year to keep the cover-up intact.

With this in mind, I wanted to take us back to where I left off some 30 articles ago when I discussed the original 1940's development of Agent Orange. From the Forties leading up to its use in the Vietnam War, Agent Orange was not a chemical that had little or no recognition in the Department of Defense nor in the halls of Congress as it was classified as a CBW agent. Yet the decision to adopt a policy to use it to deprive our enemy (the Viet Cong and NVA) of food supplies, put us in a league of rogue countries that would even consider using CBW's. Chemical, biological, radiological, nuclear, and high-energy weapons (now frequently referred to as CBRNE weapons) are only allowable only as a deterrence by NATO and other civilized international agencies. Our use of Agent Orange might well put us in that "Rogue Nation" category subject to war crimes tribunals, but it is a risk our country must take to provide for those affected, starting right here with veterans and our own citizens.

This past week I was sent a video about biological warfare dating back to 1952. The discussion of deterrence and the hopes of never having to resort to the use of such weapons was on everyone's mind back then because of the Cold War between the East Countries of the Soviet Union and Western Allies. At the 1:34 mark in the video the discussion turns to defoliants and their classification as CBW's. Along with the video I was asked to look at a couple of pages of the Congressional record (August 11, 1969 pages s-9519 through S-9524), regarding what Congress knew of herbicide use in Southeast Asia. I almost could stop reading once I got into it. I will share some of that with you starting next Monday, but ***clearly the veterans have been dealing with a Veterans Administration and Defense Department that for fifty years have been acting like river boat gamblers dealing from the bottom of the deck. I think it's high time to get a rope and find a tree.***

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