

Agent Orange Continues to Poison Vietnam

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From 1961 to 1971, the U.S. military sprayed Vietnam with Agent Orange, which contained large quantities of Dioxin, in order to defoliate the trees for military objectives. Dioxin is one of the most dangerous chemicals known to man. It has been recognized by the World Health Organization as a carcinogen (causes cancer) and by the American Academy of Medicine as a teratogen (causes birth defects).

Between 2.5 and 4.8 million people were exposed to Agent Orange. 1.4 billion hectares of land and forest – approximately 12 percent of the land area of Vietnam – were sprayed.

The Vietnamese who were exposed to the chemical have suffered from cancer, liver damage, pulmonary and heart diseases, defects to reproductive capacity, and skin and nervous disorders. Children and grandchildren of those exposed have severe physical deformities, mental and physical disabilities, diseases, and shortened life spans. The forests and jungles in large parts of southern Vietnam have been devastated and denuded. They may never grow back and if they do, it will take 50 to 200 years to regenerate. Animals that inhabited the forests and jungles have become extinct, disrupting the communities that depended on them. The rivers and underground water in some areas have also been contaminated. Erosion and desertification will change the environment, contributing to the warming of the planet and dislocation of crop and animal life.

The U.S. government and the chemical companies knew that Agent Orange, when produced rapidly at high temperatures, would contain large quantities of Dioxin. Nevertheless, the chemical companies continued to produce it in this manner. The U.S. government and the chemical companies also knew that the Bionetics Study, commissioned by the government in 1963, showed that even low levels of Dioxin produced significant deformities in unborn offspring of laboratory animals. But they suppressed that study and continued to spray Vietnam with Agent Orange. It wasn't until the study was leaked in 1969 that the spraying of Agent Orange was discontinued.

U.S. soldiers who served in Vietnam have experienced similar illnesses. After they sued the chemical companies, including Dow and Monsanto, that manufactured and sold Agent Orange to the government, the case settled out of court for \$180 million which gave few plaintiffs more than a few thousand dollars each. Later the U.S. veterans won a legislative victory for compensation for exposure to Agent Orange. They receive \$1.52 billion per year in benefits.

But when the Vietnamese victims of Agent Orange sued the chemical companies in federal court, U.S. District Judge Jack Weinstein dismissed the lawsuit, concluding that Agent Orange did not constitute a poison weapon prohibited by the Hague Convention of 1907. Weinstein had reportedly told the chemical companies when they settled the U.S. veterans'

suit that their liability was over and he was making good on his promise. His dismissal was affirmed by the Second Circuit Court of Appeals and the Supreme Court refused to hear the case. The chemical companies admitted in their filing in the Supreme Court that the harm alleged by the victims was foreseeable although not intended. How can something that is foreseeable be unintended?

On May 15 and 16 of this year, the International Peoples' Tribunal of Conscience in Support of the Vietnamese Victims of Agent Orange convened in Paris and heard testimony from 27 victims, witnesses and scientific experts. Seven people from three continents served as judges of the Tribunal, which was sponsored by the International Association of Democratic Lawyers (IADL).

Testimony given by the witnesses showed the following:

Mai Giang Vu, a member of the Army of South Vietnam, carried barrels of the chemicals on his back. His two sons could not walk or function normally, their limbs gradually "curled up" and they could only crawl. They died at the ages of 23 and 25.

Pham The Minh, whose parents also served in the South Vietnamese Army, showed the Tribunal his severely deformed, crooked, skinny legs; he has great difficulty walking, as well as digestive and pulmonary diseases.

To Nga Tran is a French Vietnamese who worked as a journalist during the spraying. Her daughter weighed 6.6 pounds at the age of three months. Her skin began shredding and she could not bear to have skin contact or simple demonstrations of love. She died at 17 months, weighing 6.6 pounds. Ms. To described a woman who gave birth to a "ball" with no human form. Many children are born without brains; others make inhuman sounds.

Rosemarie Hohn Mizo is the widow of George Mizo, who served in the U.S. Army in Vietnam in 1967. He slept on contaminated ground and consumed food and drink that were also contaminated. George refused to serve after he was wounded for the third time; he was court-martialed and sentenced to 2-1/2 years in prison and a dishonorable discharge. George helped found the Friendship Village where Vietnamese victims live in a supportive environment. He died from conditions related to his exposure to Agent Orange.

Georges Doussin, co-founder of the Friendship Village, visited a dormitory where he saw 50 highly deformed "monsters," who produced inhuman sounds. One man whose parent had been exposed to Agent Orange had four toes on each foot. Doussin said Agent Orange creates "total anarchy in evolution."

Dr. Nguyen Thi Ngoc Phuong, from Tu Du Hospital in Ho Chi Minh City (Saigon), sees many children born without arms and/or legs, without heads or faces, and without a brain chamber. According to the World Health Organization, only 1 - 4 parts per trillion (PPT) of Dioxin in breast milk can cause severe deformities in fetuses and even death. But up to 1450 PPT are found in maternal milk in Vietnam .

Dr. Jeanne Stellman, who wrote the seminal article about Agent Orange in the magazine *Nature*, testified that "this is the largest unstudied environmental disaster in the world (except for natural disasters)."

Dr. Jean Grassman, from Brooklyn College at City University of New York, testified that

Dioxin is a potent cellular disregulator which alters a variety of pathways to disrupt many systems. Children, she said, are very sensitive to Dioxin; the intrauterine or post natal exposure to Dioxin may result in altered immune, neurobehavioral, and hormonal functioning. Women pass their exposure to their children both in utero and through the excretion of Dioxin in breast milk.

Many ecosystems have been destroyed and Dioxin continues to poison Vietnam , especially in the several “hot spots.”

Chemist Dr. Pierre Vermeulin testified that it was estimated that \$1 billion would be required to restore one hectare of land in Vietnam . The cost of caring for the victims, many of whom need 24-hour care, is enormous.

In 1973, President Richard Nixon promised \$3.25 billion in reconstruction aid to Vietnam “without any preconditions.” That aid was never granted.

There are only 11 Friendship Villages in Vietnam ; 1000 are needed to care for the child victims of Agent Orange.

Last week, the Bureau of the IADL, meeting in Hanoi , presented President Nguyen Minh Triet of the Socialist Republic of Vietnam with the final decision of the Tribunal. The judges found the U.S. government and the chemical companies guilty of war crimes, crimes against humanity, and ecocide during the illegal U.S. war of aggression in Vietnam . We recommended that the Agent Orange Commission be established in Vietnam to assess the damages suffered by the people and destruction of the environment, and that the U.S. government and the chemical companies provide compensation for the damage and destruction.

I told the President that it always struck me that even as U.S. bombs were dropping on the people of Vietnam , they always distinguished between the American government and the American people. The President responded, “We fought the forces of aggression but we always reserved our love for the people of America . . . because we knew they always supported us.”

An estimated 3 million Vietnamese people were killed in the war, which also claimed 58,000 American lives. For many other Vietnamese and U.S. veterans and their families, the war continues to take its toll.

Several treaties the United States has ratified require an effective remedy for violations of human rights. It is time to make good on Nixon’s promise and remedy the terrible wrong the U.S. government perpetrated on the people of Vietnam . Congress must pass legislation to compensate the Vietnamese victims of Agent Orange as it did for the U.S. Vietnam veteran victims.

Our government must know that it cannot continue to use weapons that target and harm civilians. Indeed, the U.S. military is using depleted uranium in Iraq and Afghanistan , which will poison those countries for incalculable decades.

Marjorie Cohn, a professor at Thomas Jefferson School of Law and president of the National Lawyers Guild, served as a judge on the International Peoples’ Tribunal of Conscience in

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