

FYI: THIS COPY WAS FAXED TO
ROB HAGER 4/28/93 &
GKSON SMOGER.

WE RECEIVED NO RESPONSE FROM WHITE

October 30, 1992

Jeffrey White, Esq.
Associate General Counsel
ATLA
1050 31st Street
Washington, DC 20007

Dear Mr. White:

The Agent Orange Coordinating Council was formed by veterans organizations to assist Vietnam veterans, and others, exposed to Agent Orange. Our membership has been particularly concerned about the federal courts' denial of justice and opportunity for a jury trial on the veterans' Agent Orange-related claims. Through my personal and professional experience, my work as a Special Assistant to the Secretary of the Department of Veterans Affairs, and as an expert witness in dioxin litigation, I have come to the belief that juries would compensate many veterans for their Agent Orange-related injuries if only the federal courts would accord such veterans their constitutional right to a jury trial.

Accordingly, the Agent Orange Coordinating Council has written Congress about our concern that numerous new rulings of law by the federal courts in the Agent Orange litigation have denied veterans their constitutional right to a fair hearing of their claims. Many of these same rulings are presently on appeal in the United States Court of Appeals for the Second Circuit in the lvv case. I understand that the same issues will likely also be eventually presented by way of a petition for writ of certiorari in the United States Supreme Court.

I am writing to inquire whether ATLA would be interested in preparing an amicus brief on behalf of the Agent Orange Coordinating Council and its member veterans organizations in support of the lvv plaintiffs. This brief would address the questions raised by Judge Weinstein's denial of a jury trial to plaintiffs in lvv on the basis of a prior class action settlement. If ATLA would prepare such a brief I will present it to our membership of veterans organizations that are interested in joining such a brief as amici.

Please let me know if you have any questions about this request.

Sincerely,

E. R. Zumwalt, Jr.

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