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Here are final  
minutes that have  
gone out to AOC.

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Time for 1.1.1m AOC

**AGENT ORANGE COORDINATING COUNCIL**

**ACTION ITEMS**

1. Admiral Zumwalt will invite Dr. Susan Mather of the Veterans Administration to the next AOCC meeting to report on the status of implementation of National Academy of Sciences' (NAS) Institute of Medicine (IOM) Panel's recommendations.
2. Member organizations should apply pressure by writing to:
  - a. the Secretary, Veterans Affairs, and their senators and congressmen urging implementation of the recommendations of the NAS's IOM panel.
  - b. the VA and the NAS panel to get them interested in looking at the EPA reassessment document.
  - c. their elected officials to bring counter-pressure on EPA to stick to the scientific facts in their present draft (i.e., not to succumb to the major lobbying efforts by chemical and paper mill companies to water down that draft.)
  - d. the NAS IOM Panel forwarding new studies as they are published.
  - e. Congress to hold hearings to authorize money for joint research of Agent Orange in Vietnam.
  - f. the VA to add prostate cancer and leukemia to the list of compensable diseases.
3. AOGG should urge subcommittee Chairman Congressman Hutchinson to hold hearings on joint research of Agent Orange in Vietnam.
4. AOGG meet to prepare draft consensus paper (for approval by AOCC members) on joint Agent Orange Research in Vietnam.

**NEXT MEETING  
of the  
AGENT ORANGE COORDINATING COUNCIL**

Thursday, 28 September 1995

2:00 P.M.

@ 1000 Wilson Boulevard  
30th Floor  
Arlington, VA 22209  
(NEW LOCATION: Office of Admiral Zumwalt)

**AGENT ORANGE COORDINATING COUNCIL  
MEETING**

May 2, 1995

U.S. Navy Memorial  
701 Pennsylvania Avenue, NW  
Washington, DC 20004

**Members Present:**

Admiral E. R. Zumwalt, Jr. (Chair)  
Richard S. Christian, The American Legion (Vice Chair)  
Agent Orange Data Base (Shannon Puglia)  
Agent Orange Victims & Widows Support Network (Jennie LeFevre)  
Military Order of Purple Heart (George & Nicki Gallagher)  
National Vietnam Veterans Coalition (Bill Bennett)  
New Jersey Agent Orange Commission (William Lewis)  
Public Interest Legal (Robert Hager)  
Vietnam Veterans Agent Orange Coalition (Mike Reddan)  
Vietnam Veterans of America (Paul Sutton)  
Vietnam Veterans of America (Mary Schoelen)  
UVOA (Ron Rossani)

**Members Absent:**

Air Force Sergeants Association  
American Ex-Prisoners of War  
Catholic War Veterans  
Fleet Reserve Association  
National Association of Military Widows  
BRAVO  
Polish Legions of American Veterans, USA  
Veterans of Foreign Wars  
Veterans of the Vietnam War  
Women's Army Corps Veterans Association

**Staff and Guests Present:**

Colonel Michael E. Spiro, USMC (Ret.) (International Consortium  
for Research on the Health Effects of Radiation)  
Priscilla Barry  
Dan Flanagan  
Len Kojm  
Dr. Sue Bailey  
Phylliss Miller

## MINUTES

Admiral Zumwalt, Chairman, Agent Orange Coordinating Council, convened the meeting at 2 PM on Tuesday, May 2, 1995, at the U.S. Navy Memorial in Washington, DC.

Introductions were made (attendance list provided).

### Persian Gulf War Syndrome

Dr. Sue Bailey of the Assistant Secretary of Defense's Office for Health Affairs presented a briefing on the Persian Gulf War Syndrome.

### Ivy Case

Letters have gone directly to Senators Hatch (Chairman) and Biden (leading Democrat) of the Committee on the Judiciary regarding the Ivy case and our efforts to correct through legislation the miscarriage of justice that has taken place. (In addition, Senators Warner and Robb were supportive in preparing cover letters to send copies of the letters to these two Judiciary members.) Anything that the AOCC members can do to reinforce our efforts to get corrective action would be welcomed.

The American Legion National Executive Committee is reviewing the a resolution to support the Agent Orange Reform Act. Once a decision is made, the resolution will be able to be made public. The American Legion's resolution can be used as a model for other veterans organizations. (UPDATE: Resolution was approved; copy attached.)

### Joint Agent Orange Research

Congressional pressure for joint Agent Orange research continues. We have asked the two veterans affairs committee to hold hearings on joint Agent Orange research in Vietnam (which the Vietnamese strongly support). Senator Simpson has responded that he plans to have hearings. We have not heard back from Congressman Stump; but will try Congressman Hutchinson who chairs the Veterans' Affairs' Hospital & Health Care sub-committee.

Opposition was raised by a member of the AOCC, Mr. Bill Lewis, New Jersey Agent Orange Commission, to this joint research as it is viewed as assisting the Vietnamese before our own veterans and their children are assisted.

Admiral Zumwalt stated the purpose of doing research in Vietnam is due to its being a perfect human comparison with an unexposed population in the North and an exposed population in the South. Admiral Zumwalt stated we must have a coordinated position before we proceed. Admiral Zumwalt expressed the need for a position paper showing unanimous agreement among the AOCC before Congress holds hearings.

#### VVA Visit to Vietnam, February 1995

Paul Sutton reported on his trip to Vietnam with the VVA organization. Paul along with George Claxton and Pete Weber met with Dr. Dai of the 10-80 Committee to discuss the dioxin/defoliant issue. VVA is following up through its national channel on specific requests made by the 10-80 Committee. VVA will make another visit to Vietnam probably as early as October. (Related VVA Veteran article attached.)

#### Draft EPA Reassessment Document

Admiral Zumwalt met with Senator Chafee in his capacity of Chairman of the Senate's Environment & Public Works Committee which monitors EPA. He discussed the lobbying being done to water down the draft of EPA dioxin reassessment document. Senator Chafee promised to keep on top of issue to ensure that changes would only be scientifically, and not politically, motivated. AOCC members need to let our senators and congressmen, who sit on relevant committees, that millions of dollars are being spent to water down the results and we need to keep to the science and not the politics.

#### Australian Veterans

The Australian Government has added prostate cancer and leukemia to its list of compensated diseases for its Vietnam Veterans based on results of the IOM Study. On the other hand, we are not making any progress with our own VA. In a letter to Admiral Zumwalt, Dr. Susan Mather of the VA does not see any reason for hearings. AOCC members need to push for the VA to add prostate cancer and leukemia to the list of compensable diseases. Prostate cancer was in the same category as the other recognized diseases of last July (but just more costly).

#### New Release

Dr. Schecter has edited a book on dioxins, entitled *Dioxins and Health*. IOM Panel has been urged to pay attention to Dr. Schecter's book in addition to the draft EPA dioxin reassessment document.

### U.S. Supreme Court

On April 3, 1995, the U.S. Supreme Court granted certiorari to two chemical firms to hear their case for the federal government to pay them back the cost of the amounts they have paid in damage payments. (This coming a year after the Supreme Court denied AOCC certiorari to hear our case which had the backing of the 50 states attorneys general.)

### Public Hearing before IOM

IOM had a public hearing on Friday, April 21, that most of the AOCC veteran groups spoke at. Admiral Zumwalt followed up his statement with a letter to Dr. Brix requesting they take stock of the status of research of the six formal recommendations and of the joint research recommended in their July 1993 study. Nothing has been done since the report came out two years ago. NIEHS (who were directed to initiate joint Agent Orange research in the appropriation bill) is just now getting ready to send a group over to Vietnam to produce a protocol for joint research (trip presently scheduled for June 95). The next report out of the IOM is now scheduled for late 95/early 96.

# National Headquarters, The American Legion

National Executive Committee Meeting Dated: May 2-4, 1995

## RESOLUTION

No. 21

Title THE AMERICAN LEGION SUPPORT OF AGENT ORANGE REFORM ACT OF 1995

Origin: VETERANS AFFAIRS AND REHABILITATION COMMISSION

(page 1 of 3)

WHEREAS, The American Legion has been deeply involved and interested in many activities intended to obtain a fair accounting for veterans exposed to Agent Orange in South Vietnam, and has actively pursued scientific research, or assisted others to develop scientific information, concerning the health effects of exposure to Agent Orange on Vietnam veterans; and

WHEREAS, The American Legion has brought suit in that would have required the Federal Government to correct its deeply flawed approach to gathering scientific and epidemiological data concerning the effects of Agent Orange, as described in the House Government Operations Committee's Twelfth Report, the Agent Orange Cover-up: A case of flawed science and political manipulation, H.R. Rep. No. 672, 101st Congress, 2nd session (1990); and

WHEREAS, The American Legion's conclusions concerning the effects of Agent Orange on Vietnam veterans has found authoritative support in recent scientific studies issued by The National Academy of Sciences' Institute of Medicine, Veterans and Agent Orange Health effects of Herbicides used in Vietnam (July 27, 1993), and the Environmental Protection Agency, Health Assessment Document for 2,3,7,8 - Tetrachloro-Dibenzo p-Dioxin (TCDD) and related compounds (Review Draft, June 30, 1994, and also by the studies described in Dr. Cate Jenkins affidavit, recent scientific evidence developed after 1984 supporting a casual relationship between Dioxin and human health effects (September 3, 1991) (Submitted as exhibit M in Ivy vs. Diamond Shamrock, CV 89-03361 (E.D.N.Y.) and The American Legion/Columbia study of Vietnam Era Veterans; and

**TO BE FILLED IN BY RESOLUTIONS  
SUB-COMMITTEE OF THE NATIONAL  
EXECUTIVE COMMITTEE**

Approval recommended \_\_\_\_\_

Rejection recommended \_\_\_\_\_

Referral recommended to \_\_\_\_\_

Other action \_\_\_\_\_

Signature, Resolutions Sub-Committee Chairman

Submitted by:

*Chester F. Stellar*

CHESTER F. STELLAR, Chairman  
Veterans Affairs and Rehabilit  
Commission

Signature, Resolutions Sub-Committee Chairman

THIS FORM MUST BE FILLED OUT IN TRIPLICATE

(Three copies to Chairman of Sub-Committee on Resolutions)

National Headquarters, The American Legion

National Executive Committee Meeting Dated: May 2-4, 1995

RESOLUTION

No. 21

Title THE AMERICAN LEGION SUPPORT OF AGENT ORANGE REFORM ACT OF 1995

Origin: VETERANS AFFAIRS AND REHABILITATION COMMISSION

(page 2 of 3)

WHEREAS, The American Legion has consistently supported the right of Vietnam veterans to present this kind of evidence supporting their claims of Agent Orange injuries in a fair and unbiased forum for purposes of obtaining appropriate compensation for the medical costs, decreased earnings, pain and suffering, and other physical, personal and economic damages inflicted upon them by Agent Orange; and

WHEREAS, By Resolution No. 12 dated October 20-21, 1993, The American Legion participated in Ivy vs. Diamond Shamrock, a case brought by Vietnam veterans and their families against the manufacturers of Agent Orange on behalf of most of the affected veterans, for the purpose of presenting to a jury, evidence that Agent Orange caused their illnesses, as is their right under the constitution of the United States; and

WHEREAS, On January 27, 1994, Philip B. Onderdonk, Jr., National Judge Advocate of The American Legion submitted to the United States Supreme Court an Amicus Curiae brief in Ivy vs. Diamond Shamrock, which brief was joined by 30 other veterans service organizations, seeking to overturn the decisions of the Federal Courts which had, "systematically denied many Agent Orange-exposed Vietnam veterans... fundamental constitutionally derived rights which are routinely accorded to every citizen of the United States, injured by a defective product"; and

WHEREAS, Separate briefs filed in the United States Supreme Court on behalf of the attorneys general of all 50 states, the Commonwealth of Puerto Rico, and the District of Columbia, also joined The American Legion's Amicus Curiae brief in supporting the veteran's effort in the Ivy vs. Diamond Shamrock case to secure the rights of thousands of veterans injured by Agent Orange to their day in court without unwarranted interference by the Federal Judiciary; and

TO BE FILLED IN BY RESOLUTIONS SUB-COMMITTEE OF THE NATIONAL EXECUTIVE COMMITTEE

Approval recommended \_\_\_\_\_

Rejection recommended \_\_\_\_\_

Referral recommended to \_\_\_\_\_

Other action \_\_\_\_\_

Signature, Resolutions Sub-Committee Chairman

Submitted by:

Chester F. Stellar
CHESTER F. STELLAR, Chairman
Veterans Affairs and Rehabilitation
Commission

THIS FORM MUST BE FILLED OUT IN **TRIPLICATE**

(Three copies to Chairman of Sub-Committee on Resolutions)

**National Headquarters, The American Legion**

National Executive Committee Meeting Dated: May 2-4, 1995

**RESOLUTION**

No. 21

Title THE AMERICAN LEGION SUPPORT OF AGENT ORANGE REFORM ACT OF 1995

Origin: VETERANS AFFAIRS AND REHABILITATION COMMISSION

(page 3 of 3)

WHEREAS, Notwithstanding that these briefs by all of the State's attorneys general and veterans' service organizations collectively presented an unprecedented level of support for review by the U.S. Supreme Court of a questionable lower court ruling, the Supreme Court nevertheless, for reasons it did not disclose, refused to review the Ivy vs. Diamond Shamrock case and therefore failed to correct the injustice inflicted upon the veterans by the Federal Courts' invention of new rules designed for the purpose of denying such veterans their constitutional rights; and

WHEREAS, The American Legion supports proposing Federal legislation titled The Agent Orange Reform Act by which Congress would overturn each of the new rules created by the Federal Courts that prevented veterans injured by Agent Orange from enjoying their constitutional rights, including their right to a jury trial on their damage claims; now therefore be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, May 2-4, 1995, That The American Legion support proposing The Agent Orange Reform Act that will overturn any and all judicial decisions and rulings that have prevented Vietnam veterans from a fair hearing before a jury of their peers on their claims against the manufacturers of Agent Orange.

**TO BE FILLED IN BY RESOLUTIONS  
SUB-COMMITTEE OF THE NATIONAL  
EXECUTIVE COMMITTEE**

Approval recommended  \_\_\_\_\_

Rejection recommended  \_\_\_\_\_

Referral recommended to \_\_\_\_\_

Other action \_\_\_\_\_

*[Signature]*  
Signature, Resolutions Sub-Committee Chairman

Submitted by:

*Chester F. Stellar*  
CHESTER F. STELLAR, Chairman  
Veterans Affairs and Rehabilitation  
Commission