A dark legacy of the Vietnam War is creating a whole new set of problems.
INTRODUCTION:
A LEGACY REVISITED

Agent Orange is still damaging lives in Vietnam. The time has come for America to act.

By Walter Isaacson

A few years ago, I found myself at the storied Da Nang Airport, once a main U.S. air base in Vietnam, with my colleague from the Aspen Institute, Bill Mayer. Bill had been an Air Force pilot during the war, flying military supplies into Da Nang and bringing back, in the cargo bays of his C-124s, the coffins of fallen American soldiers. At Da Nang we met Bui The Giang, a top Communist Party official who, during the war, had served in a North Vietnamese antiaircraft battalion. Whether Giang had ever taken a shot at one of Bill’s planes was a subject of speculation between the two old soldiers. That their conversation was friendly and relaxed was a sign, I thought, of just how far the U.S. and Vietnam have come since the two countries normalized diplomatic relations nearly fifteen years ago.

Bill and I were there as part of the U.S.-Vietnam Dialogue Group on Agent Orange/Dioxin, which I cochair. The aim of our binational and nonpartisan committee is to marshal support for resolving one of the Vietnam War’s last legacies and an abiding irritant to an increasingly valuable U.S. ally and trading partner. From 1962 to 1971, America sprayed close to 20 million gallons of the herbicide Agent Orange across the region, to defoliate dense jungle in order to better detect movement of personnel and equipment from north to south, and to destroy enemy crops. That spraying left behind a residue of dioxin, a persistent and highly toxic chemical that can both shorten the life of humans exposed to it and potentially degrade the health of future generations. At Da Nang, a major storage site for Agent Orange during the war, large quantities of the chemical leaked into the surrounding land and water. As we walked the barren ground with other members of our delegation—former EPA chief Christine Todd Whitman, the Ford Foundation’s then President Susan Berresford, Professor Vo Quy of Hanoi University, and Vietnam National Assembly member Ton Nu Thi Ninh—we stopped by a lake where the locals can no longer fish because of the dioxin pollution. At the very least, we resolved, we should begin by containing and then cleaning up the toxic waste that America left behind on this famous site.

The Vietnamese government claims that several million of its citizens suffer from health effects due to this chemical—from muscular and skeletal disorders to such birth defects as mental retardation. From 1962 to 1971, America sprayed close to 20 million gallons of the herbicide Agent Orange across the region, to defoliate dense jungle in order to better detect movement of personnel and equipment from north to south, and to destroy enemy crops. That spraying left behind a residue of dioxin, a persistent and highly toxic chemical that can both shorten the life of humans exposed to it and potentially degrade the health of future generations. At Da Nang, a major storage site for Agent Orange during the war, large quantities of the chemical leaked into the surrounding land and water. As we walked the barren ground with other members of our delegation—former EPA chief Christine Todd Whitman, the Ford Foundation’s then President Susan Berresford, Professor Vo Quy of Hanoi University, and Vietnam National Assembly member Ton Nu Thi Ninh—we stopped by a lake where the locals can no longer fish because of the dioxin pollution. At the very least, we resolved, we should begin by containing and then cleaning up the toxic waste that America left behind on this famous site.

The Vietnamese government claims that several million of its citizens suffer from health effects due to this chemical—from muscular and skeletal disorders to such birth defects as mental retardation. On our trip we witnessed heartbreaking scenes in Thai Binh Province, far from the war zone, where an estimated 10,000 disabled children and grandchildren were born to veterans of the conflict. Many had stunted limbs or curved spines, and they were working hard at the physical training that would be necessary for them to enter the workforce or take care of themselves. Science has demonstrated links between dioxin and many, if not all, of these medical conditions. However, it is almost impossible to establish direct causal connections between individual sufferers and their possible exposure to Agent Orange.

What to think and do about the complicated problem of Agent Orange’s long-term damage is the subject of this special report put together by the Washington Monthly. In “Agent of Influence” (page A3), Joshua Kurlantzick and Geoffrey Cain explore the tricky scientific and diplomatic terrain of this issue and argue that there are compelling
geostrategic reasons for the United States to engage in resolving it. In “The Environmental Consequences of War” (page A8), Clay Risen looks at the broader question of how and why other nations have—or, more often, have not—taken responsibility for ameliorating the environmental and health consequences of their actions in past wars. And in “A Hard Way to Die” (page A12), Phillip Longman brings the topic home, with a report on why, after years of effort, the U.S. government is still not providing American veterans exposed to Agent Orange in Vietnam with the care they need and deserve.

Fortunately, the hard work of overcoming the legacy of Agent Orange has begun. In 2006, U.S. President George W. Bush and Vietnam President Nguyen Minh Triet agreed to undertake cooperative efforts to stop further leaks from the old Agent Orange storage sites. In 2007, Congress appropriated $3 million for the cleanup of dioxin in and around Da Nang and for health programs in surrounding communities, with $3 million more provided in the 2009 and 2010 budgets. Now that the U.S. government has established the precedent of helping, the Obama administration can and should move more forcefully toward finally solving this problem. In addition, the Ford Foundation has donated its own funds to help at the Da Nang Airport and in other affected areas.

America’s foreign policy has always been motivated by both our nation’s ideals and its strategic interests. Helping to resolve the Agent Orange issue would serve both. Vietnam has become a key strategic and economic partner, with a citizenry that is very supportive of American interests. By helping to clean up what we left behind, we would be displaying our basic decency and values as a people. In doing so, we might provide some closure, both for ourselves and for the Vietnamese, to a long-ago war and its lingering legacies. Wm

Walter Isaacson, president and CEO of the Aspen Institute, is cochair of the U.S.-Vietnam Dialogue Group on Agent Orange/Dioxin, which is supported by the Ford Foundation. His most recent books are Einstein: His Life and Universe and American Sketches: Great Leaders, Creative Thinkers, and Heroes of a Hurricane.

Near Da Nang, Nguyen Thi Xuan cares for her twenty-five-year-old son, Nguyen Duc Tu, who cannot walk, sit up, or speak due to birth defects authorities believe were caused by Agent Orange.

AGENT OF INFLUENCE

The realpolitik case for compensating Vietnam.

By Geoffrey Cain and Joshua Kurlantzick

Anh Nguyen Khanh, a motorbike driver in the mountains outside Da Nang, a city in southern Vietnam, is only fifty-three, but he looks much older. His fourteen-year-old son was born with severe spina bifida and cannot walk; his seventeen-year-old daughter has Down’s syndrome. His wife, shattered by her two children’s hardships, has become so mentally unstable she must be restrained at times. “Life is the hardest thing,” says Anh Khanh, who supports his family by transporting vegetables between villages, earning about $100 per month. “This [life] is truly a curse.”

As a child during the Vietnam War, Anh Khanh remembers watching as American forces sprayed the area around his home with Agent Orange, a defoliant containing the chemical dioxin and used by U.S. forces to kill plants and expose enemy movement. “I remember seeing the
American warplanes dropping some sort of chemical on the jungles,” he says. “We thought everything was okay, because they weren’t dropping bombs … It wasn’t until the 1980s, when our generation started having children, that we learned the horrible effects of war would follow us our entire lives.” Today, Anh Khanh, like many Vietnamese, is convinced that the remnants of dioxin, a poison, in his village’s soil have destroyed his family, causing his children’s birth defects, which then ruined his wife’s mental health. The local government, he says, has little money to help him, and offers just $15 per month in benefits, only enough to cover a portion of the food and health care costs of one of his two children. “God is watching over us,” he says. “That’s our only hope.”

During the Vietnam War, the United States sprayed as much as 18 million gallons of Agent Orange on the country, according to a Government Accountability Office study. Decades later, the long-acting toxin continues to exact a terrible toll on the people of Vietnam. While the U.S. insists that there is not enough evidence to link the spraying of the defoliant to any illnesses in Vietnam, the government in Hanoi estimates that as many as 400,000 Vietnamese have died early from ailments related to exposure to dioxin and that 500,000 children have birth defects because of exposure to the chemicals leeching into water and soil.

Until recently, the lingering effects of Agent Orange were not something the Vietnamese government talked much about. After normalizing relations with Washington in 1995, Hanoi’s overwhelming goal was to win favorable trade deals with the United States and admission into global bodies like the World Trade Organization; bringing up unpleasant subjects like Agent Orange worked against that strategy. But having attained those goals a few years ago, the government is now becoming more aggressive in pressing its claims. “Vietnam feels more confident in where it stands with the U.S., so now it can go back to some of these war issues,” says Edmund Malesky, a Vietnam expert at the University of California, San Diego.

At the annual meeting of Vietnamese and American government representatives to an Agent Orange task force, held last September, Vietnam’s deputy minister of natural resources and environment, Nguyen Xuan Cuong, declared that U.S. assistance in Agent Orange cleanup thus far “has not met our expectations.”

Despite pressure from Vietnam, the U.S. has steadfastly refused to acknowledge any American responsibility for tragedies like the family of Anh Khanh. In part this is because the United States is under no compelling legal obligation to compensate Vietnam. Attempts by Vietnamese plaintiffs to win damages in American courts have repeatedly failed; international laws and treaties regarding the environmental and health consequences of war are weak and largely unenforceable. And while there is sound medical evidence linking dioxin exposure to an ever-wider variety of illnesses, proving causation in individual cases in Vietnam is nearly impossible. But the biggest reason why the U.S. refuses to take responsibility for the effects of Agent Orange in Vietnam is one of precedent: doing so, defense officials insist, would open Washington up to claims from Koreans, Filipinos, Iraqis, and anyone else impacted by the actions of U.S. armed forces.

Yet for all these difficulties, Washington should help pay for the damage done by Agent Orange in Vietnam, because in this case our moral concerns coincide with our strategic ones. Though most Americans still see Vietnam through the eyes of the war, endlessly chronicled in books and films, average Vietnamese citizens have moved on. “The past is closed,” says Tien Nam Tran, professor of international relations at Vietnam National University. “Vietnamese people do not see Americans as rivals from the previous war.” Rather, Vietnam has become one of the most pro-American countries in Asia. With its proximity to and historical animosity toward China, it also has the potential to be a pivotal ally in one of the most dangerous regions of the world. And with China winning allies across Asia, the U.S. badly needs friends like these. That’s an argument even the hardest-core national security hawks in Washington ought to listen to.

During the early years of the Vietnam War, Agent Orange was not a major tool in the American arsenal, but as North Vietnam’s army and the Viet Cong proved successful at using the jungle to hide men and materiel, the spraying of defoliant became central to American war fighting. The Vietnamese government estimates that the U.S. sprayed roughly 12,000 square miles of Vietnam, around 10 percent of the country’s total area. Meanwhile, in areas like Da Nang, home to a major U.S. air base, American forces stored large amounts of dioxin, some of which ultimately leaked out of storage containers. One study by the Hatfield Consultants, a prominent environmental analysis firm, suggested that the soil around Da Nang today contains up to 365 times the acceptable international standard of dioxin.

Hoang Thi The, a seventy-one-year-old widow once married to a Viet Cong officer, lives in Da Nang. She cares for two grown children who suffer from severe handicaps: her son was born with deformed limbs, while her daughter is deaf, mute, and paralyzed—problems caused, a local doctor told her, by dioxin. The children spend every day lying on wooden beds at home, staring at the walls. “In the past, we had a lot of money, and we went everywhere around Vietnam to find a treatment [for their ailments],” she says. “But no treatment came. Now we have nothing. I worry what will happen to my children when I die.”

For years, the evidence appeared inconclusive on Agent Orange’s links to diseases. But in recent decades, medical re-
search, much of it focused on American veterans of the Vietnam War, has shown dioxin to be a risk factor in an ever-growing number of illnesses. The list includes Parkinson’s disease, Hodgkin’s disease, ischemic heart disease, leukemia, prostate cancer, and (in children of those exposed to the chemical) birth defects such as spina bifida and clubfoot. Nor is there much doubt that many Vietnamese are carrying around dangerous amounts of the toxin in their bodies. One analysis of more than 3,000 Vietnamese, published in the American Journal of Public Health, found far higher levels of dioxin in their blood than among people who’d lived in unsprayed areas.

Yet figuring out exactly who in Vietnam has been exposed to how much dioxin is extremely difficult. Despite some records kept by the U.S. Army, no one knows exactly how much Agent Orange was sprayed in different parts of the country. And as one comprehensive Congressional Research Service study notes, “Both the South Vietnamese and North Vietnamese governments were not keeping detailed troop deployment information,” making it hard to prove who fought in the sprayed areas.

Even Vietnamese health officials admit they cannot necessarily tell, in a poor country where most ailments go untreated, which handicaps actually stem from exposure to dioxin. “We have a very limited budget, and we cannot be certain who is an Agent Orange victim and who is not,” says Phan Thanh Tien, who works at the Da Nang Association for Victims of Agent Orange/Dioxin, a government-funded nonprofit. “When a family with a handicapped child comes to us, we must ask, ‘Where do you live?’ If they live in an area that was sprayed heavily, or has contaminated water, we assume they are Agent Orange victims.” Indeed, few organizations in Vietnam have the money to run a definitive test for dioxin exposure. (It costs roughly $1,000 to test one person’s level of dioxin exposure, and per capita GDP in Vietnam is only $2,600.) Vietnam’s domestic politics also plays a role in claims. As Phan Thanh Tien admits, families of veterans who fought on the side of North Vietnam during the war receive more government compensation for suspected Agent Orange-related illnesses than everybody else.

Even if Vietnam could definitively determine who was affected by Agent Orange, however, the Pentagon would still worry that admitting responsibility and providing money for victims would set a dangerous precedent. The U.S. government could find itself having to provide similar compensation to those claiming ill-health effects from our wartime activities—past, present, and future—everywhere from the Korean peninsula to Afghanistan. No wonder that during the Clinton administration, the period when the United States restored relations with Vietnam, Assistant Deputy Undersecretary of Defense Gary Vest, during a visit to Vietnam, made clear to his hosts that the U.S. could not admit any responsibility for the consequences of its spraying of Agent Orange, according to several American officials. In the Bush administration, both Secretary of Defense Donald Rumsfeld and Secretary of Veterans Affairs Jim Nicholson reportedly delivered similar messages to Hanoi.

The U.S. government’s position is understandable, but it rests on a blatant inconsistency. On the one hand, Washington insists it cannot pay compensation because there is insufficient evidence to show that the diseases the Vietnamese people suffer were caused by the Agent Orange U.S. forces sprayed. On the other hand, by law any American veteran who set foot in Vietnam during the war and who suffers—or whose offspring suffers—from any one of a wide range of medical conditions is presumed to have contracted that condition because of Agent Orange, and is hence eligible for VA health care and other benefits. Vietnamese officials can be forgiven for not taking seriously the U.S. government’s insistence that when it refuses to acknowledge responsibility for the health effects of Agent Orange in Vietnam, it is merely following the science.

Despite disagreements over issues like Agent Orange, the United States and Vietnam are rapidly building a close relationship. For Americans who remember the last U.S. diplomats fleeing the embassy roof in Saigon (now Ho Chi Minh City) in 1975, this amity might seem surprising. But for Vietnam, which fought the French in the 1940s and ’50s, and then China in the late 1970s, the American conflict was only one part of a much longer battle. “I don’t think most of the issues related to the war are really on Vietnam’s mind anymore,” says one Vietnamese diplomat who has dealt with the U.S. for years. “We’re more worried about what’s happening now.” And what’s happening is business: two-way trade between the United States and Vietnam has grown from around $1.2 billion in 2000 to over $12 billion in 2007 (the most recent year with full data available). Today, America stands as Vietnam’s biggest trading partner and largest export market, and the more than 1 million Vietnamese Americans contribute to the interpersonal ties between the countries. This economic relationship will only expand now that Vietnam has joined the World Trade Organization: Fortune 500 companies like Intel already have made big bets on Vietnam, with the tech giant building a $1 billion chip fabrication plant in the country.

Average Vietnamese, too, have developed favorable impressions of America. According to a 2008 survey of six nations in East Asia by the Chicago Coun-
krease, the influence of U.S. soft power in Vietnam (a combined measure of economic, political, and cultural influence) was higher than in all other countries surveyed, which included longtime American allies like Japan. On the ground in Vietnam, anecdotal evidence confirms the survey results. When then President Bill Clinton visited Hanoi in 2000, average Vietnamese mobbed his entourage, desperately hoping for autographs, or any kind of contact, from the American leader.

This surprising warmth stems from several factors. By the early 1990s, American war veterans, led by Senators John Kerry and John McCain, pushed for political normalization with Vietnam and led trips back to the country so that average Vietnamese could reconcile with their old adversaries. Since the majority of Vietnam’s 80 million people are under thirty years old, most do not remember the war years. And even for older Vietnamese, the fact that the “American war” was only part of decades of conflict—or centuries of conflict, if one counts Vietnam’s historic wars against China—means that people do not simply focus their animosity against the United States and that Vietnamese take a highly pragmatic view of the world.

“Throughout several thousand years of building and defending our country ... after each invasion that the Vietnamese people had to fight back, Vietnam ... was ready to establish and normalize the relations with the old rivals for the benefits of both sides,” says Vietnam National University’s Tien Nam Tran.

Perhaps more important, on a strategic level Vietnam’s policymakers have chosen to build deep ties with America, and Americans have responded in kind. “You can see they are some of the most impressive strategic thinkers in the region, that they are looking for a real alliance—we want to work closely with them,” says one senior State Department official. Strategic ties come from mutual fear of the giant neighbor on Vietnam’s northern border. Washington worries that a resurgent China is making rapid inroads into Southeast Asia, long a sphere of American influence. Today, even as China has become one of Vietnam’s biggest trading partners, and the two Communist parties proclaim brotherly ties, Hanoi remains uncomfortable with Beijing. The two nations claim some of the same areas of the South China Sea, and have skirmished over small islands in the disputed waters.

Besides its shared fear of China, Vietnam’s geographic position also offers vital strategic advantages to the United States. It is situated relatively close to the Straits of Taiwan, the biggest potential flashpoint between Washington and Beijing. The U.S. Navy already has begun port calls in Vietnam, for the first time since the war years. In 2003, Pham Van Tra made the first visit by a Vietnamese defense minister to the Pentagon since the war.

There are still sticking points, other than the legacy of Agent Orange, in the U.S.-Vietnam relationship. Vietnam remains an authoritarian country, and Washington continues to highlight its human rights abuses and lack of religious freedom. In October, the advocacy organization Human Rights Watch blasted Hanoi for going backward on religious freedom after Vietnamese security forces beat monks aligned with Thich Nhat Hanh, a Buddhist leader and peace activist who reportedly urged Hanoi to loosen restrictions on religion. “Once again Vietnam has clamped down on a peaceful religious group—even one that was initially welcomed by the government,” Elaine Pearson, deputy Asia director at Human Rights Watch, told reporters.
Yet these problems do not overshadow cooperation. Hanoi has launched a regular, high-level dialogue with the State Department. “The Vietnamese are incredibly eager to meet with us, and it’s an easy way to build up ties,” says one State Department official who covers Southeast Asia. The U.S. gives Vietnam some $100 million in annual aid—to fight pandemic disease, to promote trade and investment, and to improve the rule of law, among other goals—making it one of the biggest recipients of American assistance of any nation in Asia. In the long run, in fact, Vietnam could become the closest U.S. ally in its region, given the shared strategic interests, Vietnam’s pragmatic foreign policy, and the country’s natural ties to America.

It is hard to imagine this mutually beneficial relationship coming to full fruition, however, unless the United States does more to address the legacy of Agent Orange. The burden of that legacy is on display at a daycare center for older children with mostly dioxin-related disabilities run by the Da Nang Association for Victims of Agent Orange/Dioxin. The center consists of four small rooms and one large one with paint-chipped walls, a few tables, some plastic chairs, and one lone fan. Dozens of children are crammed into the rooms, where they play with toys and learn vocational skills like sewing while their parents work in hotels and factories. The services are meager—the center cannot afford, among other things, an on-site doctor to give the children required check-ups on their conditions. “We can only take in the most severe cases, so we must decline many families who need help,” says Nguyen Thi Hien, who runs the NGO. This facility and another one run by the NGO provide care for only about 100 of the estimated 1,400 kids in Da Nang with Agent Orange-related disabilities.

Washington has already embraced the foundations for a potential Agent Orange solution. In neighboring Laos, heavily bombed during the Vietnam War, the U.S. government has contributed a modest amount of assistance for getting rid of unexploded ordnance—projects that come with no statement of legal responsibility for American actions. This has helped to rebuild the United States’ image in that country. And in Vietnam, the George W. Bush administration already took the first step toward an Agent Orange solution, providing an initial $3 million to clean up spilled Agent Orange in and around the former U.S. air bases in Vietnam and for the humanitarian needs of residents near those bases.

The next step will be to assist the actual victims of Agent Orange spraying. Washington will not want to deliver the aid itself; as Japan discovered when trying to help clean up the residue of World War II chemical weapons in China, getting involved in on-the-ground service delivery makes the donor vulnerable to byzantine and sometimes corrupt local politics. And because of the inherent difficulty of determining who is and who is not a victim of Agent Orange, the U.S. should not even try. Better, instead, for Washington to determine an annual sum of aid for Vietnam, call it humanitarian assistance—thus avoiding any link to or responsibility for Agent Orange—and give it to Hanoi, letting the Vietnamese government figure out how to use it to help Agent Orange victims.

A resolution might not please everyone in Vietnamese government circles, where opinion remains divided on how aggressively to push the United States on Agent Orange. Officials from the Ministry of Foreign Affairs, tasked with building the strategic relationship, express in private the most caution about using Agent Orange as an issue. Agricultural officials, too, worry about allowing stories of dioxin to tarnish the reputation of Vietnamese produce. Meanwhile, according to several Vietnam specialists, conservatives within the ruling Communist Party, who tend to be the most skeptical of ties to the United States, want to push the hardest on Agent Orange, and might strongly resist a compromise in which the U.S. government did not admit any guilt. Still, given its inherent pragmatism, and its desire to move beyond the war, Hanoi probably would take such a deal.

The bigger political difficulty is likely to be here in the United States. Any attempt by the Obama administration to offer aid to the victims of Agent Orange in Vietnam will almost certainly be used by the president’s opponents to stir up old Vietnam-era political and cultural resentments which, unlike in Vietnam, are still very much alive in the United States. But Obama might find that on this issue he has allies on the other side of the aisle who understand the strategic stakes. One of them may be John McCain, a key architect of the reconciliation with Vietnam. “We need to continue to address the issue [of Agent Orange] both in compensation for the victims as well as cleanup of areas that are clearly contaminated,” the Arizona senator declared on a visit to Vietnam in April of 2008.

This fall, Obama probably will visit Vietnam himself to attend a summit of the Association of Southeast Asian Nations. When pressed on Agent Orange by his Vietnamese hosts—as he almost certainly will be—the president will have a choice in how he responds. He could reiterate current U.S. policy and leave it at that. Or he could seize the moment by offering humanitarian aid to the victims of Agent Orange—a bold move that would address a bitter legacy from America’s past while sealing a vital strategic alliance for years to come.

Geoffrey Cain is a journalist based in Seoul, South Korea, who contributes to Time and the Economist. He was formerly based in Vietnam and Cambodia. Joshua Kurlantzick is a fellow at the Council on Foreign Relations and author of Charm Offensive: How China’s Soft Power Is Transforming the World.
THE ENVIRONMENTAL CONSEQUENCES OF WAR

Why militaries almost never clean up the messes they leave behind.

By Clay Risen

In the waning days of World War II, the retreating Japanese army left millions of chemical weapons scattered across northeastern China. To prevent the Allies from capturing them, units buried the shells—containing chemicals including mustard gas, phosgene, and lewisite—in fields, lakes, and streams. The result has been a slow-motion public health disaster: according to Chinese officials, in the last sixty years more than 2,000 people have died from toxins leaking from the weapons, and countless more have been sickened and permanently injured by them.

For decades, the Japanese government denied knowledge of the weapons, as well as any responsibility for cleaning them up. But in 1997 Tokyo entered into talks with Beijing over how to remedy the damage, and Japan eventually agreed to a multibillion-dollar plan to locate and destroy some 700,000 abandoned weapons. In a September 1997 speech in Beijing outlining a “new age” for Japanese-Chinese relations, then Japanese Prime Minister Ryutaro Hashimoto described the effort as a salve on “a deep wound in our hearts” that reaffirmed the countries’ “two thousand years of friendly relations.”

What’s amazing about the Japanese effort is that it’s happening at all. Japan likely will end up spending almost $1.6 billion to destroy the stock of known chemical weapons in China. If even more weapons are found—and, World War II records being as poor as they are, that’s a strong likelihood—the costs could easily double. No wonder the Japanese-Chinese deal is almost the only instance in which a country has voluntarily paid for the environmental damage caused by its military.

Why? The easy answer is that there’s no legal requirement—international law is spotty at best when it comes to the environmental and public health legacies of military activity. But the real issues are cost and precedent: remediation and health care for victims are incredibly expensive, and no country wants to set a precedent that would force them to spend billions cleaning up their own mess. “Once you open that door, where does it end?” asks Brian Sheridan, a Clinton-era assistant secretary of defense who worked on cleanup issues. “It’s enormously expensive. That’s not what countries think of when they go to war.”

With the United States now pondering a postwar future in Iraq and Afghanistan, some policymakers will wind up examining whether—or how—America might pay for any damage done to the Afghans’ and Iraqis’ environment and health.Already, for instance, doctors in Iraq are reporting higher-than-normal levels of cancer and birth defects in cities like Fallujah where the fighting was heaviest. So defense planners are looking to the legacy of Agent Orange in Vietnam for clues. Yet history shows that America’s use of Agent Orange was hardly the first instance in which a country has ignored the environmental and health impacts of its wartime strategies. Indeed, almost without exception, countries do not pay for these legacies, for a number of reasons: the cost of cleanup is prohibitive; policymakers worry about the impact of paying on national security; and international law cannot hold a polluter accountable. And when, in a rare case like Japan, nations do pay, they do so for strategic, not moral, reasons.

The U.S. military is hardly a paragon of environmental stewardship, but its sins pale in comparison with those of the former Soviet Union—both in terms of damage caused and refusal to account for it. Like a receding tide revealing flotsam and jetsam, in the early 1990s withdrawing Russian troops left behind thousands of square miles of polluted territory, mostly in the form of bases and testing ranges once home to the mighty Soviet army. In Estonia, where 570 Soviet military facilities occupied almost 2 percent of the entire country, experts found thousands of unexploded rockets, air bases where fuel oil had seeped twenty feet below the surface, and nuclear power plants where toxic waste was left sitting in the open.

In the 1990s, the United States decommissioned scores of bases around the world, and in almost every instance left an environmental pigsty in its wake.

In the mid-1990s, the United States decommissioned scores of bases around the world, and in almost every instance left an environmental pigsty in its wake.

In the 1990s, the United States decommissioned scores of bases around the world, and in almost every instance left an environmental pigsty in its wake.
A Japanese expert in China labels chemical weapons left by the Japanese military during World War II.
was estimated at $6 billion, nearly four times the tiny Baltic state’s budget.

Russia, however, refused to provide assistance. “It was almost impossible to get Russia to pay off its financial obligations, such as its debts. It is clear that winning any environmental compensation would be impossible,” says Petr Pavlinek, an expert on the eastern European environment at the University of Nebraska at Omaha. Russia further claimed, accurately, that the withdrawal agreements it signed with its former satellites absolved it of any cleanup responsibility. Nor did it help that Russia, even at its weakest point in the early 1990s, was too big for its former allies to push around. “The affected countries have no leverage to win any compensation from Russia,” says Pavlinek. “How can they make Russia pay? So if they want to clean up the environmental damage they have to do it by themselves, and pay for it, too.”

Russia wasn’t the only Cold War adversary to skip out on cleanup duty. During the 1990s the United States decommissioned scores of bases around the world, and in almost every instance it left an environmental pigsty in its wake. The sprawling naval base at Subic Bay in the Philippines, once America’s largest overseas military installation, never had a sewage treatment plant; instead, wastewater was dumped directly into the bay. In 1992, the General Accounting Office (predecessor of today’s Government Accountability Office) estimated that the cost of cleaning up the facility, along with Clark Air Base to the north, “could approach Superfund proportions.” The 1991 eruption of the Philippines’ Mount Pinatubo exposed these shortcomings: the volcano sent thousands fleeing to the bases for safety, and after just months of living there, hundreds came down with asbestosis and other ailments like cancer caused by military toxins. But when Manila demanded compensation, Washington balked, claiming, justifiably, that the 1947 Military Bases Agreement between the two countries cleared it of any responsibility for the base once it left.

Washington’s attitude, says Sheridan, was that “fighting the Cold War was a shared responsibility—we did our part by providing a protective umbrella, and they provided the land.” Though local nonprofits and members of the Filipino government continue to press the United States for aid, observers say there is almost no chance that Manila will ever see a penny in compensation.

The United States did a better job cleaning up after itself in Panama, where it steadily decommissioned bases throughout the 1990s in the run-up to the handover of the Panama Canal Zone on December 31, 1999. Unlike in the relatively unimportant Philippines, the U.S. had a powerful strategic reason to help, though the assistance did not please all Panamanians. Much of the American cleanup was focused on unexploded ordnance left on firing ranges deep in the Panamanian jungle, which was difficult to reach. In several cases the Pentagon simply cordoned off the contaminated areas, claiming that moving in equipment would do more damage to the environment than just leaving the weapons to rot.

As in Panama, in Canada the U.S. has serious strategic interests. The country is also America’s largest trading partner. So while the U.S. military shuttered several Canadian facilities in the 1990s and claimed it had “no legal obligation” to help clean them up, in 1998 Washington reversed its position and offered $100 million. The reason? Realpolitik. “There is no other country with the same combination of geography, historical relationship, and vital significance to U.S. national security,” said Deputy Secretary of Defense John Hamre in a letter to Congress—though he made sure to add that this was “a special case not duplicat-ed anywhere else in the world.”

If countries don’t want to pay for cleanup, international law can hardly make them. While a number of treaties since the 1970s—the First Protocol to the Geneva Conventions, the Environmental Modification Convention, and others—have tried to limit the environmental consequences of war, they have all made broad exceptions for militarily necessary activity. They have also had weak, even nonexistent, enforcement mechanisms, and the definition of “militarily necessary” has been highly flexible. “Where the international community has sought to hold states and individuals responsible for environmental harm caused during armed conflict, results have largely been poor,” concludes a recent report by the United Nations Environmental Program.

One exception to this weak enforcement was the 1991 United Nations Compensation Commission (UNCC), which oversaw payments by Iraq for damages it caused in Kuwait during the first Gulf War—explicitly including, for the first time, damage to the environment. “It was found that the intentional opening and burning of the wells as a tool of war merited compensation and liability,” says Mark Drumbl, an international environmental law specialist at Washington and Lee’s School of Law. The $28 billion paid to Kuwait and its citizens since then, coming primarily from the so-called Oil-for-Food Program, has helped deal with the millions of gallons of crude oil spilled during Iraq’s “scorched earth” campaign.

This was, of course, victors’ justice, not the result of a voluntary international regime. More to the point, the UNCC effort also proves the limits of international legal protections. In 2005 the UNCC denied a request by Saudi Arabia for a share of the Iraqi funds to cover public health damages, based on a two-year study by researchers at Johns Hopkins University. When, in rare cases, nations pay for the environmental damage caused by their militaries, they do so for strategic reasons, not moral ones.
Even as the U.S. military pulls out of Iraq, Iraqi doctors are reporting higher-than-normal levels of cancer and birth defects in cities like Fallujah where the fighting was heaviest.
Gary Nickel, 62, never liked to talk about his experiences in Vietnam. It’s only recently that his wife, Terry, has gotten some details out of him about why he’s started screaming in his sleep and locking his hands together as if he were choking someone. He’s finally told her, for example, about the time when, at the giant Bien Hoa Air Base, twenty miles northeast of Saigon, a plane landed and all the men jumped off puking. Nickel, whose job was to load and unload aircraft, discovered inside the rotting head of a U.S. soldier stuck on a post.

Gary told her, too, about his flashbacks to the many times during the Tet Offensive when he shook in bunkers while under mortar attack. After much objection about “not wanting to be pegged” with a mental illness, Gary at last relented to his wife’s insistence that he seek treatment for post-traumatic stress disorder, and now takes medication for it prescribed by private physician.

But that’s not his greatest medical need. Gary also suffers from Parkinson’s disease, a degenerative brain disorder that impairs motor and cognitive skills. Parkinson’s is most often found among the elderly, but Gary was only fifty-seven when he was first diagnosed, and he degenerated quickly.

Within two years of his diagnosis, he had to give up his job at the water treatment plant in Moorhead, Minnesota, and Terry had to give up her job as a nurse to stay with him around the clock. (The couple have no children.) Forced to live on a reduced income, including a $450-a-month Social Security disability check, they sold their home and bought a smaller, easier-to-navigate house furnished with a hospital bed, a trapeze, and special pillows to help with Gary’s bedsores. Terry is also responsible these days for looking after her eighty-year-old mother, who now lives with them.

This might be just another sad story of another working-class American family struggling with poor luck and bad health, except that it gets worse in ways that involve us all. Terry thought it very important that she get her husband enrolled at the VA Medical Center in nearby Fargo, North Dakota, which would provide, among other benefits, equipment like the ramps he needs and, importantly, respite care for herself. She knew that at their income level the couple wouldn’t meet the VA’s strict means test for admission. But she’d been reading about growing scientific evidence linking Parkinson’s disease to exposure to Agent Orange, a chemical defoliant widely used in Vietnam during the war. And, as it happens, the Bien Hoa base was and remains an Agent Orange “hot spot” in Vietnam—so much so that the U.S. government committed in 2008 to helping the Vietnamese government clean up the high levels of dioxins and other contaminants that still exist there. So in 2007 Terry applied for her husband to be admitted to the VA on the premise that his Parkinson’s was a “service-connected” illness.

The bureaucracy at the Fargo VA, however, was unmoved. Fourteen months after making their application, the Nickels received a single-spaced, two-and-a-quarter-page letter, dated July 7, 2008, that spelled out the VA’s rationale for rejecting Gary’s enrollment. The case officer acknowledged finding a study on Wikipedia that showed that people exposed to herbicides like Agent Orange have “a 70 percent greater incidence of PD than individuals not exposed,” but then went on to suggest that Gary could have contracted PD at such a young age because of his “14 year history of smoking,” or “occupational hazards” at the water plant. Terry says she assembled hundreds of pages of studies to rebut these claims—a tactic that has worked for a handful of Vietnam vets with Parkinson’s. But after a year of waiting for the verdict on their appeal she learned, with the help of local legislators, that the VA had simply closed their case. “In my eyes,” Terry says, “it’s all political.”

Though she lost her battle, Terry turned out to be right on the facts. This fall, the head of the VA, Eric K. Shinseki, acknowledged growing medical evidence linking Parkinson’s and two other common diseases to Agent Orange. Yet Gary Nickel and hundreds of thousands of other vets have been made to suffer
for years without care thanks to a system that conditions benefits on scientific proof—proof that accumulates so slowly that many veterans will be dead and buried before they’re finally deemed eligible.

Why can’t all Vietnam vets who were exposed to Agent Orange automatically get into the VA? Didn’t we take care of that problem years ago? Those of us beyond a certain age can remember the headlines, the angry demonstrations, the acrimonious hearings. About how the government long denied that exposure to Agent Orange could contribute to any ill-health except a case of chloracne, a disfiguring skin condition. About the gigantic class-action suit against Dow, Monsanto, and other manufacturers of Agent Orange, which left Vietnam veterans furious over its miniscule out-of-court settlement (an eventual $197 million paid to 52,000 vets over ten years, or about $3,800 each). About Reagan’s VA administrator, Robert Nimmo, who used an appearance on NBC’s Today show to call Vietnam veterans “a bunch of crybabies.” About conservative think tanks that denounced as “junk science” any studies implicating Agent Orange as a cause of illness. And about how, finally, the federal government acknowledged the mounting scientific evidence linking Agent Orange to a variety of diseases and promised to help its victims.

On February 6, 1991, President H. W. Bush signed the Agent Orange Act into law. It seemed like a great victory to Vietnam vets at the time. The legislation codified that Vietnam veterans with any of three conditions known by then to be strongly associated with Agent Orange—chloracne, non-Hodgkin’s lymphoma, and soft-tissue sarcoma, with some exclusions—would automatically qualify for VA health care, no questions asked. And the bill called upon the Institute of Medicine (IOM) to continuously look for new evidence of Agent Orange’s long-term health effects. Backed by the great champion of veterans’ causes, the late Democratic Congressman G. V. “Sonny” Montgomery, as well as by then Republican Senator Arlen Specter, the bill promised to bring closure to what Bush called “this very complex and very divisive issue.”

For awhile, the legislation seemed to stand as an example of an overdue, but morally sound, workable policy based on science. In 1993, the IOM found a positive association between Agent Orange and Hodgkin’s and several other comparatively rare diseases, and the VA dutifully added these to the list of conditions presumed to be service connected for anyone who served in Vietnam. But as the years went by, the IOM and other researchers kept turning up more and more evidence of more and more complications from exposure to Agent Orange. A huge shocker, to most Vietnam vets and to federal budgeters, came in 2000 when the IOM reported a link between exposure to Agent Orange and type II diabetes—one of the most common diseases in America. It turns out to be substantially more common among Vietnam vets, and though it cost a bundle, the VA, under the waning Clinton administration, changed its rules so that all Vietnam vets with the condition are now presumed to have a service-related illness and therefore are eligible for VA care.

Then, though it attracted little attention, Vietnam vets had spina bifida, a birth defect closely associated with a key ingredient of Agent Orange. Then, in July of last year, a bombshell landed on Secretary Shinseki’s desk. In the most recent of a long series of reports entitled Veterans and Agent Orange, the IOM added Parkinson’s as well as ischemic heart disease and hairy cell leukemia to its list of conditions associated with Agent Orange exposure. In response, Shinseki ordered a rule change redefining these three conditions as service related for any Vietnam vet who has them. Presuming those rules make it through final review, people like Gary Nickel and some 200,000 other vets will soon have a much easier time claiming benefits.

But what about vets who suffer from conditions that have not yet been but may someday be linked to Agent Orange? For now, their only hope is to follow the route Gary Nickel took: try to prove that their case of the disease was caused by exposure to Agent Orange to the satisfaction of some overwhelmed VA service officer, who, as we’ve seen, may well try to settle the matter with some scratching around on Wikipedia.

In Vietnam, the environment was saturated not just with Agent Orange but with a stew of other toxic chemicals whose effects could have been harmful in combination, though it would be extremely difficult to determine that scientifically.

Some of the administrative problems have been there all along. For many veterans of the Vietnam era, just proving they were in the service, let alone victims of Agent Orange, can be an ordeal, due largely to a 1973 fire in St. Louis that destroyed many military service records. Today, if one picks up the membership magazine of the Vietnam Veterans of America (VVA), one finds pages of fine-print notices like this one:
Incident verification needed. National Records Center advises me that my documents were lost in a fire. Seeking anyone who served the 611th Trans. Bn., Vinh Long, 1969–70. Having health issues due to an accident that occurred during a recovery mission. Contact: Stan Floyd, americanairboats@ymail.com.

By law, the VA is supposed to help vets to find their service records and otherwise establish their eligibility. But David Houppert, who directs the VVA’s efforts to help its members navigate the VA bureaucracy, says that the government employees charged with the task of plowing through the dusty repositories of the military and the National Archives are often so overwhelmed with their caseloads that they make only perfunctory searches. As a result, a niche industry now exists that helps vets who can afford its fees to track down their records.

Beyond the challenge of establishing a service record is the often meta-

Terry Nickel assists her husband, Gary, whose Parkinson’s disease may have been caused by exposure to Agent Orange in Vietnam.
By their very nature, almost all chronic disorders are multicausal, influenced by factors such as genetics, diet, behavior, and environmental influences often all acting together. In Vietnam, the environment was saturated not just with Agent Orange but with a stew of other toxic chemicals whose effects could have been harmful in combination, though it would be extremely difficult to determine that scientifically. “Operation Flyswatter,” for example, sprayed 1.76 million concentrated liters of the insecticide malathion over major bases and cities every nine days as part of efforts to prevent malaria. The same troops were given “Monday pills,” weekly doses of the antimalarial drug chloroquine, which inhibits an enzyme the body uses to help metabolize neurotoxins. “Bottom line,” says Alan B. Oates, who heads the VVA’s Agent Orange committee, “Vietnam veterans were taking prescribed medication that reduced their body’s ability to detoxify itself while being subjected to exposures of neurotoxins.”

There has been little study of how Agent Orange may have interacted with other toxins common in the environment of war-era Vietnam, including DDT, paraquat, napalm, jet fuels, and many others. The VA could greatly advance scientific knowledge on the subject if it coded its vaunted electronic medical record system with information about where its patients served in the military. This would provide researchers with a powerful tool for determining whether and how much service in Vietnam correlates with various diseases that later show up in vets and their descendents. It could also help our understanding of Gulf War syndrome, and of ailments that may be experienced in the future by those now serving in Afghanistan and Iraq.

But we should also ask ourselves what, exactly, we would do with this information. Yes, it is good to know all we can about the epidemiology of disease, but there are limits to what we can know, and dangers in using science inappropriately. Consider, for example, that even if all involved had acted in perfect good faith, most of the long-term effects of Agent Orange and other toxic exposures could only have been discovered with the passage of time—time for Vietnam veterans to start having deformed children, and even longer for them to start coming down with Parkinson’s. And even then, all science can deliver are generalizations about large populations, not a determination of what caused any one person’s chronic illness.

And so we are left with huge numbers of Vietnam vets who may be enduring the effects of Agent Orange without care or compensation until their own suffering and death at last produces enough scientific data to nail down the causality. Normally, we want science to drive policy. But in this realm, waiting for science to do it for younger and older vets. As a practical matter, the majority of our veterans deserved VA care—and it is still not too late to do that.

I n retrospect, justice would have been far better served if we had just presumed all along that all Vietnam veterans deserved VA care—and it is still not too late to do that.

In retrospect, justice would have been far better served if we had just presumed all along that all Vietnam veterans deserved VA care—and it is still not too late to do that.

lower cost per patient and enjoys higher patient satisfaction than Medicare?

The VA also has excess capacity in many parts of the country and will soon have much, much more as the once-giant ranks of World War II and Korean War vets grow thin. Meanwhile, the VA provides, for those who can get in, very high-quality care, having become widely recognized over the last decade as a world leader in the use of information technology to ensure patient safety and to drive the development of coordinated, evidence-based protocols of care.

We need to open up the VA and grow it, extending eligibility not only to all vets but to their family members as well. This not only makes clinical sense—think of Terry Nickel and the millions of aging veterans’ wives like her—it also makes economic sense. So long as the VA remains one of, if not the most, cost-effective, scientifically driven, integrated health care delivery system in the country, the more patients it treats, the better.

Every vet should be able to use his or her insurance, including Medicare insurance, to receive treatment at the VA. Those who are indigent or who suffer from obvious war wounds should be given free care; others should contribute to the cost of their care as they are able. But any American who honorably served in the military should not find him- or herself locked out of the VA.

For far too many sick veterans, especially those who served in Vietnam, experiencing a rejection like Gary Nickel endured is taken as the final insult of an ungrateful nation. It’s a hard way to die. For the rest of us, joining their cause is not only morally right, but also advances the mission of true health reform by bringing us closer to establishing the principle that access to needed health care does not have to be earned and demonstrated, but is a right of citizenship.

Phillip Longman is a senior research fellow at the New America Foundation and the author (with Ray Boshara) of The Next Progressive Era: A Blueprint for Broad Prosperity.
MARCH 16-28
Over 100 documentary, feature, animated, archival, experimental and children’s films selected to provide fresh perspectives on environmental issues facing our planet. Presented at venues throughout Washington, D.C. The vital connections between food and the environment are a special focus of the 2010 Festival. Most screenings include discussion with filmmakers and scientists and are FREE.

2010 Festival Highlights
- Writer, naturalist and explorer Peter Matthiessen, two-time winner of the National Book Award for “The Snow Leopard” and “Shadow Country,” speaks about the future of the Arctic on the Festival’s opening night at the National Geographic Society.
- SO RIGHT SO SMART documents the business case for environmental stewardship through stories of business leaders and corporations that have adopted green practices and taken positive—and economical—steps toward a sustainable future.
- HOMEGROWN, directed by Robert McKaill, spotlights a 21st-century organic family farm operating off the grid in the heart of urban Pasadena, California.
- The Washington, D.C. premiere of ARABIA 3D, a new MacGillivray Freeman IMAX film, explores the culture, history, religion and land of this fascinating country, presented with The Smithsonian Associates.
- THE GREAT FOOD REVOLUTION: 24 HOURS, 24 MILLION MEALS: FEEDING NEW YORK about the logistics of distributing a day’s food throughout New York City and.translate TRANSPORT FOOD MILES on how to reduce the environmental impact of transporting food across the globe, both screened at Maret School.
- SPLIT ESTATE, an eye-opening account of the issues raised when landowners have no claim to the resources below their soil and are powerless to stop energy companies from mining and drilling on their land, with filmmaker Debra Anderson at the National Museum of Women in the Arts.
- MEGAMALL exploring the issues surrounding the construction of the massive Palisades Center Mall and its impact on West Nyack, N.Y., with filmmakers Sarah Moudie, Vera Arenow and Roger Grange at the National Building Museum.

18th ANNUAL
ENVIRONMENTAL
FILM FESTIVAL
IN THE NATION’S CAPITAL

dcenvironmentalfilmfest.org

Visit our Web site in February for the complete schedule or call 202-342-2564 for a Festival brochure.