

September 11th and 12th Congressional Veterans Affairs visit – Both the house and the senate membership

FINAL REPORT

I want to thank Fred, Irish, Helen, and Carl for being there and supporting these efforts. Some of this support and its' outcome still must remain silent for now but it is 'all' good and may have landmark results for both Veterans and Widows to our 40-year war with our own government.

I handed out the self explanatory cover sheet as to what we proposing, evidence, and the bills so many have worked so hard to even get proposed that we demand they support, along with the 'Issues CD' and the 'Veterans and Widows Testimonial CD'.

Those addressed the following with objective evidence:

- Backlog of Claims Issues
- Birth Defect Issues Associated
- All Site Cancer Issues Associated
- Dose Rate Issues
- Immune System Issues Associated
- Degenerating Neurological Issues Associated

One of the separate issues in my own personal March Order, separate from the intent of the trip, was the fraudulent activities that have gone on for decades now denying many of our issues. I handed out letters to those Committee Chairs that I thought should be involved outside of Veterans Affairs. Issues such as the purposeful exclusion of data in taxpayer paid for published reports. Purposeful exclusion that in 2005 the scientists in that government funded study looking for good/sound science and not government-controlled science had voted overwhelming to include the data found in studies of

associations to dioxin and or demonstrated statistical found increases (i.e. increased risk of incidence) in the study of Vietnam Veterans with known levels of dioxin levels and MOS of mixing and dispensing the Rainbow of Militarized Herbicides in both defensive and offensive operations. Including those that did not participate in such activities but were indeed exposed which pretty much concluded dose rate was never an issue even when used against us in scientific factors of analysis.

This effort was not to the Veterans Affairs Committee membership; although I did include a copy of the letter and evidence I was submitting to the Government Oversight and Reform and Judiciary Committee's. Explaining how it is we as victims and stakeholders over on one side trying to get those known issues associated and then having the government entities themselves working for the Executive Branch "purposefully exclude" scientific data that proves our case. A clear violation of the government's own research integrity rules. The Executive Branch/DoD/Air Force must be challenged and held accountable. Even when told of the levels of mismanagement and scientific fraud this would bring forth before the publishing of such reports with the real facts found omitted, the Executive Branch/DoD/Air Force clearly made the decisions that they were indeed above the legal rules of government research integrity and decided, one would guess, for the betterment of those that indeed served this Nation in some of the most despicable actions one citizen can ask of another and then died or become disabled were not privy to the found scientific study facts paid for by the taxpayers. Of course, the Department of Veterans Affairs then cheered all these actions being able to continually deny Veterans and Widows their rightful Service Connected death and disability issues no matter how much evidence to the contrary is provided by the victim or stakeholder. A nice neat government circle of deception and deceit used for 40 years including the more recent Gulf War Issues.

I believe I made my point with objective evidence of such government actions and requested investigations begin immediately. Of course, nothing will be done as eight appointed federal prosecutors losing their appointed positions is much more important than millions in a segment of society being totally misled and lied to by our own government. But I got that thorn out of my side that said this has got to be illegal, manipulative, and fraught with government collusion at some of the highest levels of our government. I guess they all protect themselves or their party and both political parties have been at fault; there is nothing new here that we did not know what was going on as far back as 1979. They just did it such a fashion this time to say we are above the law and have about zero integrity, especially since you Veterans and Widows are now "set aside and have no legal rights to anything," much less justice from any form of legal "separation of powers" court. Those are reserved for criminals and terrorists to make sure they do have rights of redress.

Of course, this includes the Executive Branch Department of Defense denying many issues they knew were false denials with no repercussions. Lies resulting in nothing but Veterans Affairs denials for dead, dying, and disabled Veterans who served in combat in Laos and Cambodia. Yet, Executive Branch Department of Defense knew during those lies that their own reports released such as one example in "Corona Harvest the Defoliation of Southeast Asia" clearly defined OPERATION Ranch Hand missions beginning as early as 1964 in those nations. Meanwhile Veterans Affairs applauds the lies even when Veterans show them the published Department of Defense reports that were formally secret documents that clearly demonstrate the lies made by the Executive Branch Department of Defense. Evidence means nothing in this circle of government deception and deceit used for 40 years including Gulf War Issues to deny Veterans and Widows service connection in death and disability created by our own government. And this is just one example of many including the inclusive dates for those that

served along the DMZ in Korea, Blue Water, and other overseas places and state side exposures.

George Washington once said, when the government creates the Veteran you do not lay aside the Veteran. Yet, the above discussion and further discussions later demonstrates the effect of this laying aside of the Veteran and I would add his widow and offspring also. This effect has and is on-going constantly within the circle of government deception and deceit to do exactly that with great gusto and certainly pride in that fact within our Veterans Affairs (VA) Department and their continued lack of objective performance based on 'Adversarial Philosophy, Policies, and Procedures' allowed and even condoned by our own government.

I am proud to announce that I was able to make contact with Mr. Peter Holstein of Congressman Kagen's office and thank him personally for his efforts after my meeting with Congressman Filner last year in which Mr. Holstein was in attendance. Coupled with that meeting and his efforts Congressman Kagen's bill (HR 6798) as most of you know will add many more cancers to our presumptive list, as common sense should have dictated. Not all cancers are in this bill but certainly it is a wonderful start to making all cancers presumptive as the data indicates in many studies that all National Institute of Cancer Surveillance Epidemiology and End Results (SEER) cancers coded are indeed associated through many Herbicide genetic damages and altered genetic pathways.

As I was walking out, Congressman Kagen came in and shook hands, thanked all Veterans for their service. I was able to describe to him the emotional swings I had when I received the e-mail from Mr. Holstein on this bill with him citing that my meeting/presentation with Congressman Filner was the catalyst. Emotions from almost open crying to jumping around with sheer joy that someone had finally recognized this great injustice done to our Veterans and Widows that so many had worked so hard to get recognized. Yes, I know that the list of cancers is not complete but you must take into consideration the more cancers we get on the presumptive list the more impossible it comes for Veterans Affairs/IOM to deny the other associations. Although it will take more stalwart efforts to get them such as glioblastoma cancers recognized; someone else will have to do that. For those that are reading these please do not think I have a dog in this cancer hunt personally; I do not.

I also explained to Congressman Kagen the widows and suffering cancer Veterans I am in touch with and their joy at this bill and grateful appreciation for his efforts but also the apprehension that our government will not support this bill. His answer was 'everyone' must support this bill.

So there you have it. Since I am bowing out of this battle it is up to every Veteran, Spouse, Widow, voting offspring of Veterans, and friends of Veterans to contact congress even on a daily basis and make sure this bill gets passed. At the same time contacting the senate to make sure they will sponsor a similar bill and get these cancers approved ASAP.

If it does not pass then we have very little excuse except for ourselves.

I discussed some of the other bills with whoever would listen.

The one issue that I brought up as I could (referenced above) is this set aside legal system for Veterans only that no other segment of society faces. I think anyone in the military knows and realizes the need for the Uniform Code of Military Justice while you are on active duty. There are things that are expected of soldiers not expected in the private sector that must be maintained.

However, I stated that if we are going to be relegated to some set aside legal system with no separation of powers after military service, which I stated personally I thought was unconstitutional for any citizen, then it must at least approach the same level of justice, level of evidence required, and unbiased Executive Branch justice; since the Executive Branch is indeed the defendant and perpetrator of deeds. Of course we know this is not and has never happened.

This includes the selection of the Secretary of Veterans Affairs who should not be former political party chairmen of the current Executive Branch administration. Nor the former chief medical officer or chief operating officer of a disability examination firm contracted by Veterans Affairs that is awarded millions of dollars per year. Yet, our own senate confirms these types of Executive Branch appointments with no question of possible bias against Veterans. Or no one in congress addresses how it is that a Secretary of Veterans Affairs, working for and appointed by the Executive Branch, can take a found disorder by the Veterans Advisory Committee on Environmental Hazards (VACEH) found associated by that committee to dioxin; then allow that Executive Branch appointed Secretary to add disclaimers and time limits to that disorder to make sure that no Veteran can be found Service Connected to that dioxin, TCDD disorder. Yet, no one at Veterans Affairs including that same Secretary or any Secretary can tell the stakeholders, nor anyone else for that matter, how or in what location the dioxin, TCDD can create the medical disorder to the point it can only be a transient disorder with time limits of 360 days to manifestation and a complete resolution within 720 days. It makes no sense scientifically or medically. Including that the Institute of Medicine, also a government contractor, despite the evidence to the contrary of many studies done on the same exposure victims decades after exposure demonstrate the exact development of the same disorder manifestation can then also deny the existence of this associated disorder as being dioxin latent for decades, chronic, and degenerating. Statistics and scientific findings not only to dioxin statistical positive levels of association but increased risk ratios and odds ratios found are zeroed out by the stroke of an Executive Branch appointees pen and the collective biased brain trust at Veterans Affairs. As one Ranch Hand Committee member stated,

“Good science may yet win out.” I would suggest...not as long as VA/DoD/IOM are involved in the decision and recommendation making processes with no check or oversight of integrity and truthfulness and an open window into their processes deciding legal cases the stakeholders are not privy, which they will never do because of self incrimination.

I also included that if we are going to have this set aside legal system it at least must have some level of mandated performance. I gave examples such as:

A Veteran puts in for esophageal cancer as associated. Veterans Affairs knows they are going to deny that claim no matter how much evidence the Veteran or Veterans Widow submits based on

what the Secretary of Veterans Affairs has stated. They may thank you for the education you give them but they still deny the claim. Why does it take two years to get that denial when VA knew going in they were going to deny the claim? All the while VA is making the Veteran or Widow jump through hoops like a dog creating additional physical and mental injuries just playing games and smiling the whole time thinking to themselves what a bunch of morons these Veterans are that we have. I cannot believe I am getting paid to do this work of just stalling with no performance for this job. How did I fall into this gravy train?

Double the staff and production drops by 50%...how can this be? With that performance if congress doubles the staff again then they, VA, would have the perfect job; getting paid with no work output done at all.

If Social Security took over two years to deny a disability claim the citizens of the US would probably burn the White House to the ground in anger. Yet they handle civilian and Veterans claims. I think that there are only about two percent of the entire population are Veterans. The other 98% get handled in a timely manner but not at the VA.

Bottom line how they take two years to deny a claim they knew going in they were never going to approve is just mind boggling to say the least. This not only makes no sense it stalls the Veteran or Widow for two years in their absolute right to take the local VA denied claim to the Board of Veterans Appeals. A joke in itself but at least in some cases the Veteran through the Veterans lottery or roulette wheel can get a claim approved eventually after litigating for another two years or longer. Providing of course he or she did not succumb initially in the first ten months after their initial submittal. In that case, VA has done what it set out to do on behalf of the Executive Branch and with the help of some members of congress...stall to the death of the Veteran. Remembering that any money that would have been given to the Veterans family is no longer recoverable. The ten months the family used up its own savings. Family assets are now used to subsidize our government for the cost of war and monumental government mistakes of using Herbicides (weapons of mass destruction IAW with the Geneva Convention).

Then we have the presumptive disorders. Presumptive disorders, in most cases, require no C & P at the time of award because of the disability-rating schedule. This is spelled out if the Veteran has a service-connected cancer, especially stage IV (terminal) the award is at least 100% for six months. By then the Veteran is either passed or 'free of' or still fighting the government created cancer. However, the validation or qualifying is only verifying three clear and simple data points which seems to be nearly impossible for VA to do in less than eight or nine months or even over a year. This looks like a simple ten-minute decision not ten months.

Did the Vet serve in Nam?

Does he have a diagnosis?

Is that diagnosis on our presumptive list?

If the answer is yes to all...then approve. I do not know how much simpler this task can be in

trying to get the Veteran and his family the financial support they not only need but have earned in military service to this nation.

But there is even more reward for Veterans Affairs doing a poor job on behalf of the Executive Branch in this issue. Reward in the total savings of millions of dollars a year by rear-ending the Veteran. If the Veteran is not approved before he dies then of course as we discussed the Veterans family gets zero and VA has met its goal. Knight Ridder in its sued for VA information found that 12,000 were dying each year waiting on Veterans Benefits saving millions of dollars a year. This is a direct result of this set aside legal system I was discussing with some of the congressional offices. Of course when this happens then the widow and/or minor offspring then have to resubmit for the claim that should have been approved in a timely manner to begin with and start at the end of the longest line. The cumulative effect is that the dying Veterans family may go for over two years or longer even on a presumptive disorder with no financial support and no service connected death.

When one talks of the non-presumptive disorders even though we know Executive Branch Appointees deny presumptive...this time frame can be over a decade of no support if a case if even eventually won or as we say the Veteran finally came up in the lottery system.

Again in another subject I specifically addressed how could Veterans serve side by side, the same area, the same time frame. One goes to the BVA and is approved after years of fighting the system. The other Veteran goes through the same process and is denied. This was on point as to if we are going to have a set aside legal system only for Veterans and their families then it must equate to the real constitutional justice system. Then could someone explain why one gets approved and the other denied when the only difference is the name and possibly the rank they achieved. Is this justice or even close?

And if there are several claims already litigated for years maybe even a decade and approved by BVA for the exact same thing and the exact same circumstances then why is not the flow down back to the VA...'given these claims have been found to be valid with all evidence and circumstances found positive and claims approved'...DO NOT send this similar claim up to BVA but approve automatically as BVA precedence at VA level. Does not our own constitutional legal system have a legal order of precedence and citing that legal order of precedence? Is not this lack of legal order of precedence the main contributing factor of the backlog of claims and its continual growth while Veterans wait for their turn in the VA/BVA lottery system litigating the exact same case over and over infinitum? Every congressperson and senators talks about working hard to reduce the backlog of claims. I suggested whatever they are doing is not working and has not worked and will not work with the present VA philosophy and processes totally targeted at not approving claims or adding stalling and denying processes at every level.

While I was in Senator Akaka's office he scurried through headed for the on-going hearings that day. Then when I get home I find he made statements regarding suicides such as:

“Their wounds, and their enemy, are unseen”. (So are latent toxic chemical war wounds for decades after exposures as the men and women tried to work until they develop a discovered cancer or the cumulative issues of dioxin exposure become so manifested they can no longer work or no longer work full time.

“But the reality and the sometimes-deadly consequences of these invisible wounds cannot be ignored. Iraq and Afghanistan veterans are not the only ones suffering from service-related mental health injuries.”

I wonder if the Senator has ever considered the direct inactions or actions of our wonderful Veterans Affairs is directly associated with this rising impact. VA treats veterans already sick from government causes like they are nothing but garbage. Even sick, mistreated, and dying animals have the protection of the Society for the Prevention of Cruelty of Animals (SPCA) with laws that actual punish the perpetrators of such crimes. Who does the Veteran or Widow have? After all Secretary Kissinger stated in 1979 Military men were nothing but dumb stupid animals to be used as State Department Pawns. Where is the Veterans/Widows SPCA? Certainly not Veterans Affairs and with few exceptions it is not even our own elected Government Officials. They talk like it but their deeds and actions or lack of action do not confirm that talk.

Anyway I believe we may have given them something to think about as they go home for the elections. Not coming back to the issues until after the first of the year of which I intend to do also.

Let me give you one closing example. And I hate to say my claim or I because it has never been about me. But I think this is a super example of how even the DC Appeals Mis-management center works even after you go through the BVA joke.

My claim has been remanded with explicit directed actions by BVA including the claim must be expedited. Now I guess expedited has many different meanings in any context but it is safe say that the Veteran should be able to expect some semblance of the word and directive.

Mine has been in remand since January of 2007. So I would conclude that 21 months is not what BVA meant by expediting.

Finally even my very patient wife decided enough is enough and called Congressman John Linder’s Office. I contacted Senator Saxby Chambliss office but refused to contact Senator Johnny Isakson office because that office has never done anything even though he serves on the Senate Veterans Affairs Committee. Meanwhile we filled out the same forms for these offices we had filled out twice before and they made inquiries into the status of my claim, which apparently is all they allowed to do.

Now bear in mind I had been calling on the status myself already and gotten so many variables in answers I had no idea what in the hell the status was after waiting for 21 months for what I was told was an expedited claim.

Now the two contacted the Appeals Mis-Management Center as to the status and why it was taking so long. Then to show they were actually doing something, I am sure just a coincidence from the those inquires, the Appeals Mis-Management Center after 21 month then sends me the same forms to fill out I have filled out I know at least five times. Although; they did send out a C & P request for an auditory C & P which was on the remand back in January of 2007. That in effect did happen soon after the C & P request came. Not surprised but then now we have more decisions to be made.

So the Appeals Mis-Management Center can then say to the two congressional inquires we are actually working on it when prior to that action a few months ago nothing was being done and I must assume and you would probably bet on nothing is being done now since they answered the inquiry by the congressional letters. What a nice joke these folks play. Yet, congress will do nothing to stop this kind of treatment.

Will any of efforts we put forth September 11th and 12th do any good even though we provided evidence with objective facts/data? I would think that what I ran off in cover sheets, bills to support, and the CD's made and delivered are already out of the office trashcans and in the House and Senate dumpsters in the basement.

But do not ever let them tell you they did not know the facts---the facts were there and hand delivered; they just chose to disregard them.

I have never been political in this fight but since I am closing out this part of my life unless I get inquires from the IOM or Congress I am going to.

It kills me to see Veterans due to political ideology fight each other when none of them really give a damn about your used up obsolete government asset from the President on down. Neither party. You served your purpose and now you are nothing but an obsolete government asset, costing too much money to maintain; no different than an obsolete computer they put on fire sale. If anyone of them gave a damn we would not be where we are today 36 years after the war with more killed by our own government not service connected than the entire NVA Army and Viet Cong killed put together. Senator Akaka discussing suicides yet more Vietnam Veterans killed themselves than the numbers on our memorial wall.

Do not think for a minute that those in congress love to see these obsolete assets fighting amongst themselves. Political ideology and Veterans Issues are two different subjects. Today's ideology difference seems to me at least:

Do you want redistribution of wealth (communist manifesto) and cradle to grave care (socialism) with no personal accountability for much of anything?

Do you want what is supposed to be a nation built on capitalism, work ethic, and personal success? Although even this is getting clouded since we are almost to the point we do not have a sovereign nation anymore, and the capitalist system is not on a level playing field with the rest of the world and government bailing out companies that due to mismanagement are failing. Sending billions of dollar to nations that would destroy us if they had the power. What is next the government nationalizing our companies?

I have to laugh at the promises the government made when NAFTA was signed into law about how even Mexico would buy our products and how that would increase so much in even the selling of used cars. Boy what a lie and misdirection that was. Yet, decades after what once was a trade surplus is now a trade deficit and congress is sitting around with their fingers where the sun does not shine stating where in the world did all our fairly high paying middle class manufacturing jobs go, much less the influx of 30 million illegal workers as if we had the massive birth rate increase. Yes, I say 30 million because the first amnesty was supposed to be for 8 million and yet it actually was 12 million. So the estimates of the newer illegal immigrants are suspect at best. 30 million more cars on the road, 30 million more using the infrastructure not budget for, 30 plus million more children in school unbudgeted for at local levels and on and on plus how many on our handed out like candy welfare (excuse me social programs) that were not estimated. Blows my mind they hand out this stuff with no questions, no marriage certificates or birth certificates and yet it took me five damn months to prove to VA I was legally married and should be paid as a Veteran with a spouse. In comparison VA treated me then and now like I was a damn criminal. A damn criminal that helped develop most of the weapons in the military arsenal today.

In fact, if you look at the only two parties we have, except for a few issues, which are personal preferences, they are moving closer and closer to the very same ideology. The only difference now seems to be how we get to those points in the future.

Anyway I would like to think I made a difference but like so many before me thinking if we did provide concrete objective evidence the government would change. It seems that is not to be for Veterans/Widows Issues. Data means nothing. Although the one bill I guess is some impact if you folks get it passed.

I have about two weeks of work to get my file up to my lawyer (Mr. Robert Walsh) since it is obvious a person with an IQ of over 140 cannot make a dent in the VA system. Then I am done unless the Congress or IOM wants me to respond to something.

So much has been tried and done by so many I would like to thank:

Just to name a few that have helped me.

Paul Sullivan

Mike Eckstein

Frank Wilcox

Kurt Pressman

John Rossie

Canada Kelly Franklin

New Zealand Lindsey Skinner

Australia Bob Gibson

Final comment after reviewing what has gone on for the past 60 years. Veteran Service Organizations for the most part should be listed as so and so organization “an affiliate of the Department of Veterans Affairs.” Yet, congress in committee turns to them for hearings. Who appointed them our spokespersons before congress is the question, since they represent about 3% of all Veterans?

It has been interesting but certainly not fun continuously hitting my head against the brick wall that is the VA/IOM but time to hand over the baton to someone else and hope they had more success than I did.

No truer words were stated in the definition of Patriotism. Support your Nation all the time but support your government only when they deserve it. (Thanks Paul)

Too bad our government does not feel the same way in the support of Veterans/Widows/minor offspring. Not only do these men and women deserve it they actually did something for the nation to earn it.

Best to all,

Kelley