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Loophole frustrates veterans

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By Steve Daniels, produced by Ross Weidner

The federal government says more than 400 thousand veterans are dying from illnesses linked to agent orange exposure from their time in Vietnam.

But now some veterans say a loophole in the law is letting the Veterans Administration leave them out in the cold.

Harry Spencer served as a Navy photographer during the Vietnam War as a member of what's called the Blue Water Navy, sailors who helped troops on the ground from ships right off shore.

"In the background of each picture, you can actually see the beach," says Spencer. He continues, "at times we were probably within a half a mile."

Spencer says because he was that close he and other sailors breathed in Agent Orange. Agent Orange is a chemical the army used to kill plant life in Vietnam. He also says they unknowingly drank it.

"They very basically take salt water from the sea and they make freshwater," says Spencer. He says freshwater on the ship, water used for drinking, cooking and washing clothing was contaminated with Agent Orange.

"Nobody knew at that point that it was going to hurt us," says Spencer. When he returned home to Raleigh from his ship off the coast of Vietnam, he ran a photo shop in eastern North Carolina until the day his cancer appeared.

"They informed me that I also had chronic emphysemic leukemia. First question out of the doctor's mouth was, 'You've been in Vietnam haven't you?'" says Spencer.

Spencer has all the classic symptoms but gets none of the compensation the government gives to Vietnam Vets because the VA says he didn't have his "boots on the ground."

"Boots on the ground means you actually set foot on the soil," says Spencer. He continued, "it makes no difference if it's one hour or one second, and you're eligible for benefits."

That means if you were in the navy off the coast, exposed to Agent Orange, and have the same illness as someone on land, the VA says you don't get a dime.

"It's like getting a knife, in your heart. I mean I gave the Navy ten years of my life. And now they just, basically say that I don't exist anymore," says Spencer.

"I know some of my friends have sent their medals back," says Wally Ward. Ward also served in the navy right off shore. HE says his two different kinds of cancer and diabetes are symptoms of Agent Orange exposure that other vets do get paid for. But, now he can't get help from the government and isn't even considered a Vietnam war veteran.

"I offered to go over there, I offered to give my life even for this country, and to be called a non-veteran or a Vietnam-era veteran, you know, people that served on the main land USA, are Vietnam-era veterans, they weren't involved in the conflict. It's hard, it's hard to believe that somebody would call us that," says Ward.

"This boots on the ground law is ridiculous," says California congressman Bob Filner. He's the chairman of the House Veterans Affairs Committee. Earlier this summer, he introduced a bill trying to fix the loophole denying compensation to Blue Water Navy veterans.

"Most of these Vietnam veterans think that VA means veterans adversary instead of veterans advocate because they've been fighting and fighting and fighting. I say, if you served us, we now have to serve you," says Chairman Filner.

Ward and Spencer say Filner's bill is a good first step but it could take a long time to make its way through congress. As they continue battling their diseases, they wonder if today's war veterans will deal with the same sacrifice and struggle in years to come.

"I think that I fight not only for the Blue Water Navy, but for those guys who are over there right now fighting because when they come they are going to have the same problem. Our country is just not taking care of veterans and it's sad," says Spencer.

Studies by the Centers for Disease Control in Atlanta show that cancer incidence rates are actually higher in sailors who served in the navy than soldiers with boots on the ground during Vietnam.

SOURCE: http://abclocal.go.com/wtvd/story?section=news/abc11_investigates&id=6395910