

March 12, 2019

The Honorable Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

On behalf of the undersigned Veterans Service Organizations and our millions of members, we urge you to direct the Justice Department NOT to appeal the U.S. Appeals Court for the Federal Circuit decision in *Procopio v. Wilkie*, decided on January 29, 2019. In recent testimony, Secretary Wilkie indicated that he would not be making any recommendations to appeal the *Procopio* decision, therefore, we call on you to direct him to immediately begin implementing this decision so that justice is finally provided to the men and women who served in Vietnam, suffered from the devastating long-term health effects of Agent Orange exposure, but who today are denied the benefits and health care they have earned.

When the VA implemented the Agent Orange Act of 1991, it was clear that veterans who received the Vietnam Service Medal, to include those who served in the waters offshore, were exposed to Agent Orange. In 1993, a VA General Counsel Opinion held that veterans with service in the waters offshore were exposed to Agent Orange. Unfortunately, an erroneous 1997 VA General Counsel Opinion and subsequent VA bureaucratic decision in 2002, determined that exposure to Agent Orange required “boots on the ground” in Vietnam.

For decades, Vietnam veterans who had served only in the waters offshore – commonly referred to as “Blue Water Navy veterans” – have been denied full benefits or access to healthcare due to these erroneous VA decisions. Thousands of these veterans have become ill with diseases that have been scientifically linked to Agent Orange exposure; many have died.

In *Procopio v. Wilkie*, the Court held in a 9 to 2 decision that VA had misinterpreted the term “in the Republic of Vietnam,” which under all available international law includes both its landmass and its territorial seas. This decision explicitly recognizes Blue Water Navy veterans as having been exposed to Agent Orange and makes them eligible for full VA benefits and healthcare.

Mr. President, a veteran is someone who at one point in their life wrote a blank check made payable to the United States of America, for an amount up to and including their life. We ask that you and our grateful nation take another step towards meeting that commitment by NOT appealing *Procopio v. Wilkie* so that justice is not further delayed or denied to Blue Water Navy veterans.

Respectfully,



Edward R. Reese, Jr.  
Washington Executive Director  
DAV (Disabled American Veterans)



Robert E. Wallace  
Executive Director  
Veterans of Foreign Wars of the United States

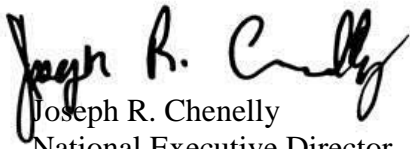
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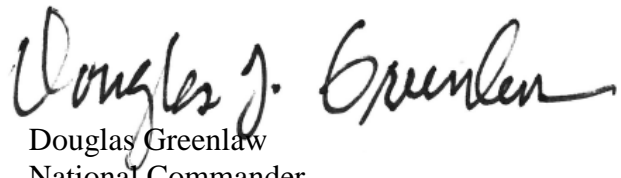
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Douglas Greenlaw  
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Military Order of the Purple Heart



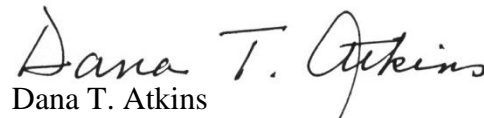
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Lieutenant General, U.S. Air Force (Ret.)  
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Cc: Veterans Affairs Secretary Robert Wilkie  
Attorney General William P. Barr