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March 25, 2009

Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

RE: Health Crisis in Vieques, Puerto Rico

Dear Attorney General Holder,

I write to you out of a renewed sense of hope and enduring persistence to the cause of justice. As you well know, the letter of the law applied without the spirit of the law may prevent justice rather than provide it. Such is the case on the island of Vieques, Puerto Rico. Not only has the letter of the law been trampled – in the form of an onslaught of illegal toxics, chemicals and other harmful substances affecting the U.S. citizens of Vieques – but also the spirit of the law – in the form of an abhorrent disregard to the health and well-being of our fellow U.S. citizens on that island.

In a few days, Justice Department attorneys may follow Bush Administration precedent and move to forgo any hearing on the merits and move to dismiss the claims of 8,500 U.S. citizens on Vieques relying on their interpretation of the doctrine of Sovereign Immunity, which has already been used to dismiss similar claims by 22 Viequenses.

It is my prayer that by taking a close look at the appalling and decades-long situation of neglect, disregard and harm by the U.S. Navy on the U.S. citizens of Vieques, and by weighing the overall value of justice, you will do what is right and direct them to resolve the claims of the affected Viequenses which have been denied by the U.S. Navy over the last eight years. In the alternative – at a minimum – I ask that you at least direct them not to use the doctrine of Sovereign Immunity as a defense, so that justice can proceed on its own merits. This would be the right way to proceed, particularly in light of the fact that for years the U.S. Navy has stonewalled and shielded many of the facts and



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evidence – such as its use of depleted uranium and napalm in Vieques – that only recently came to light.

President Lincoln once said, *“It is as much the duty of government to render prompt justice against itself in favor of citizens, as it is to administer the same, between private individuals.”*

The people of Vieques have paid a heavy price in protecting our national security and ensuring the military readiness of our Armed Forces for over 60 years. But we must not allow that heavy price to be exacerbated by allowing them to continue to suffer serious diseases such as cancer as a result of the U.S. Navy’s actions on Vieques. It is simply wrong for us as a Nation to benefit from their suffering and not provide them with the means through which to heal their lives and their health.

On the eve of World War II, the Spanish-speaking descendants of slaves were forced out of their homes on the plantations in Vieques and given some \$30 and a day’s notice to move to the center of the island. Viequenses were poorer than most of the other residents of Puerto Rico. They were powerless and most were illiterate. The process by which they were forced out of their homes by forces they didn’t understand was brutal. That was the beginning of a relationship of “might vs. right” that the Viequenses endured for over 60 years.

During that time, the Viequenses have endured much. Young girls and women could hardly go out at night lest they be caught along the road and raped by drunken sailors, as often happened. When the Viequenses’ intervened to stop the many assaults and provocations, some suffered death at the hands of these sailors. Children lost friends as they stepped on unexploded ordnance. Fishing, the only industry in Vieques other than tourism, was severely affected by the military practices, and the sheer sound of war in a small island some 200 days per year for 62 years has wrought a heavy psychological toll.

Insult was added to injury in Vieques when peaceful protestors were roughed up and pepper sprayed. Congress even held hearings in 2001 on the “dehumanizing, degrading and punitive treatment” of protestors by the U.S. Navy in Vieques. Even as the Navy was in the national and international spotlight for its actions in Vieques, the Navy engaged in what the Congressional hearings revealed as indiscriminate use of pepper spray on protestors – many of whom vomited – women being subjected to repeated body searches, protestors being given little food and water for long periods, physical abuse of detainees, obscene gestures toward young women and racial insults. These actions were indicative of the impunity with which the U.S. Navy operated in Vieques for over 60 years.

Given the nefarious record of the U.S. Navy in Vieques, it is no surprise that when a stray U.S. Navy bomb killed a Viequense civilian security guard and injured four others on the east coast of Vieques on April 19, 1999, the movement to get the U.S. Navy



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to finally leave that beautiful inhabited island was reignited. The rallying cry became "Paz para Vieques" or "Peace for Vieques." To this day, even after the U.S. Navy's departure, you still see posters, T-shirts, baseball caps, and flags that say "Paz para Vieques." Viequenses feel a great sense of relief over the Navy's departure. But they also feel their struggle continues, since the U.S. Navy left a toxic legacy and a health crisis behind in Vieques.

In May 2003, after years of civil disobedience, peaceful resistance and advocacy by the people of Vieques and their thousands of allies – including members of Congress, Nobel Peace Prize winners, civic and religious leaders, and many others – the Bush Administration permanently stopped the military training in Vieques. The contamination and health crisis in Vieques, however, remained.

Every family in Vieques has lost loved ones from cancer and a myriad of other serious diseases. Scientifically-sound studies confirm that the people of Vieques have demonstrated alarmingly-high rates of illness and cancer compared to the rest of Puerto Rico. The people of Vieques have a 30% higher rate of cancer, a 95% higher rate of cirrhosis of the liver, a 381% higher rate of hypertension and a 41% higher rate of diabetes than the demographically and ethnically-similar inhabitants of the main island of Puerto Rico. The infant mortality rate is 25% higher for babies born on Vieques than elsewhere in Puerto Rico.

All of the diseases that occur at alarming rates in Vieques are symptoms of heavy metal poisoning. Numerous scientific studies have traced these illnesses to contaminants from naval munitions found in the water, air, land and food sources of Vieques.

Hair testing has shown that a majority of those living on the island suffer from at least one form of heavy metal poisoning from toxins such as lead, mercury, arsenic, cadmium and aluminum. Approximately half of the indigenous population suffers from two or more heavy metal poisoning.

This should come as no surprise since the weapons tested up-wind and up-current from the populated areas contained known toxins including napalm, agent orange, depleted uranium, white phosphorous, various chemical weapons, arsenic, mercury, lead, cadmium, antimony, magnesium, TNT, PCBs, RDX, barium, cyanide, solvents, pesticides, and minute particles of a fiber-glass-type substance made from aluminum known as "chaff" that was routinely released into the air by military aircraft during maneuvers.

Independent peer reviewed studies by researchers at Yale University, the University of Georgia, University of Puerto Rico, The San Juan College of Engineers and Puerto Rico College of Physicians and Surgeons – which have been reported on NBC and CNN – have all revealed that the water, land, air and food that Viequenses come in



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regular contact with have dangerous levels of heavy metals and other contaminants directly linked to the extremely elevated health problems being observed in Vieques.

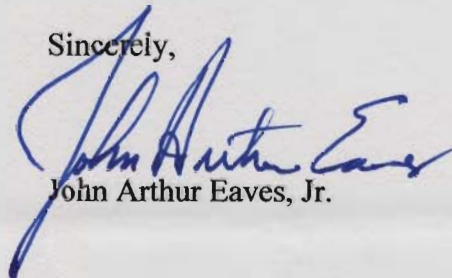
Over the past 60-plus years, the United States has rebuilt postwar Germany and Japan. We have compensated victims of the Bikini Atoll atomic bomb tests. We have compensated Japanese-American families for their internment. We continue to compensate those who were exposed to radioactive uranium and atomic testing in the Southwest portion of our country. We even pay benefits for innocent civilians caught in the line of fire in the ongoing wars in Iraq and Afghanistan. Surely we can do what is right by the U.S. citizens of Vieques who have suffered through all these years and continue to suffer today.

As President Obama wrote in a February 12, 2008, letter to then-Governor of Puerto Rico Aníbal Acevedo Vilá:

"... We will closely monitor the health of the people of Vieques and promote appropriate remedies to health conditions caused by military activities conducted by the U.S. Navy on Vieques. I will also work...to prioritize improving the lives of the Island's residents and the sustainable economic development of the people of Vieques."

These words brought hope to the people of Vieques, and to the four million Puerto Ricans on the island and the four million Puerto Ricans on the U.S. mainland. It is my hope that you will act to help finally bring healing to the people of Vieques and make President Obama's words a reality.

Sincerely,



John Arthur Eaves, Jr.

