



Román D. Hernández
National President

September 30, 2009

Via Electronic Mail

The Honorable Eric Holder
Attorney General of the United States
950 Pennsylvania Ave., NW,
Washington DC 20530

Re: *Sanchez, et al. v. United States*

Dear Mr. Attorney General:

On behalf of the Hispanic National Bar Association (HNBA), I write to express our concern about the Department of Justice's recent attempt to rely on sovereign immunity to prevent the people of Vieques from having their day in court in *Sanchez, et al. v. United States*, (U.S. Dist. Court for Puerto Rico Case No. 3:09-CV-01260-SEC). Founded in 1972, the HNBA represents the interests of over 100,000 Hispanic American attorneys, judges, law professors, and law students in the United States and Puerto Rico. The HNBA is a member of the National Hispanic Leadership Agenda, and works to address issues of concern to the national Hispanic community.

The HNBA is concerned about Vieques because although the U.S. military's six decades of military exercises have ended, the residual effects of exposure to high concentrations of heavy metals and other toxins continue to create a health crisis for thousands of U.S. citizens on the island of Vieques. In *Sanchez, et al. v. United States*, thousands of U.S. citizens from Vieques are currently seeking redress for illnesses and injuries caused by the toxic contamination. Thus, any action that delays or prevents a fair resolution of this matter is a grave concern.

Such actions are also contrary to President Obama's commitments. Last year, several surrogates of President Obama, including Congresswoman Linda Sánchez (D-CA), traveled to Vieques and met with civic and community leaders. They all pledged that, once in office, President Barack Obama would work to address the health crisis on the island. Also, in a February 12, 2008 letter to then-Governor of Puerto Rico Aníbal Acevedo Vilá, President Obama promised to "closely monitor the health of the people of Vieques, . . . promote appropriate remedies to health conditions caused by military activities conducted by the U.S. Navy on Vieques, . . . [and] to prioritize improving the lives of the Island's residents and the sustainable economic development of the people of Vieques."

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The grave reality in Vieques is a serious human and civil rights issue. The Senate of Puerto Rico and the Puerto Rico House of Representatives unanimously approved resolutions urging President Obama to address this issue. The health claims of those from Vieques are also supported by many well-respected institutions and organizations, including the Congressional Hispanic Caucus (CHC), the League of United Latin American Citizens (LULAC), the Committee for the Rescue and Development of Vieques, and the American Values Network (AVN).

On August 12, 2009, Vieques community leaders and local scientists met with Dr. Howard Frumkin, Director of the Agency for Toxic Substances and Disease Registry (ATSDR) and members of his staff. The meeting was part of the "fresh look" the ATSDR is taking towards the Vieques health crisis after its previous public health assessments were questioned and severely criticized by scientists, members of Congress, and others. During the meeting, Dr. Frumkin acknowledged that the prior ATSDR public health assessments on Vieques were flawed by the absence of a peer-review process, the failure to consider other independent studies, and insufficient data provided by the Navy about the toxins and chemicals dropped.

It is clear that in addition to the ongoing environmental cleanup and remediation on Vieques, the human losses and medical needs of those impacted by the U.S. Navy's contamination of the island must also be remediated. As noted above, thousands of these individuals are seeking redress in *Sanchez, et al. v. United States*. Given the grave importance of this issue, the breadth of supporting scientific evidence, and the clearly-articulated objectives of the Obama administration, we respectfully request that you take a serious look at the U.S. Department of Justice's position in this case and work toward resolving the claims of the residents of Vieques.

Thank you for your time and attention to this important matter. Should you have any questions, please do not hesitate to contact me.

Sincerely yours,



Román D. Hernández
HNBA National President

cc: HNBA Executive Committee