

JUSTICE IS LONG OVERDUE FOR OUR NATION'S HEROES AND THEIR FAMILIES

Support the Camp Lejeune Justice Act

BACKGROUND:

Between 1952 and 1987, thousands of Marines, family members, civilian workers and other personnel lived and worked at Camp Lejeune in Jacksonville, North Carolina. As part of their everyday life, they drank, cooked with and bathed in government-provided tap water which came from wells that were contaminated with harmful chemicals far above safe levels. This caused devastating health effects, some of which include major neurological issues; infertility and birth defects; various cancers such as leukemia, kidney cancer and male breast cancer; and death. The Veterans Administration estimates that as many as 900,000 individuals were affected by the contaminated water on the base.

Jerry Ensminger was a Marine Master Sergeant based at Camp Lejeune for many years; his daughter Janey was diagnosed with leukemia at the age of 6 and lost her battle with the disease at age 9 after years of painful treatments. With no family history of such cancers, Jerry dedicated his life to finding the truth and seeking justice for Janey and other victims at Camp Lejeune.

It took years for the Marine Corps to acknowledge there was an issue with the water at Camp Lejeune and documents from an internal lab report from 1980 stated the water was "highly contaminated." Two years later the lab identified "high levels of TCE (trichloroethylene) and PCE (perchloroethylene)" in the water and called the situation to the Marine Corps' attention. Despite this information, the contaminated wells were not shut down until 1985, the year Janey Ensminger tragically died. The government did not acknowledge the water contamination until 1997, when the Agency for Toxic Substances and Disease Registry released a report concluding that for nearly three decades the tap water at Camp Lejeune had been contaminated by toxic chemicals associated with childhood and adult cancers, especially leukemia.

Jerry started a victims support group called The Few, The Proud, The Forgotten and took their cause to Capitol Hill. Due to this effort and Congress' widespread support for the victims and families, the Janey Ensminger Act was signed into law in 2012 as part of the Honoring America's Veterans and Caring for Camp Lejeune Families Act. The bill authorized medical care for some of the military and family members who lived or worked at Camp Lejeune and developed specific cancers and diseases.

Finally, in January of 2017, the VA announced that veterans who were exposed to the contaminated drinking water would be eligible to receive a portion of government disability benefits. VA Secretary Bob McDonald had determined that there was "sufficient scientific and medical evidence" to establish a connection between exposure to the contaminated water and eight medical conditions for purposes of awarding disability compensation. Active duty, Reserve and National Guard members who developed adult leukemia, aplastic anemia, bladder cancer, kidney cancer, liver cancer,

multiple myeloma, non-Hodgkin's lymphoma or Parkinson's disease and who were stationed on base for 30 days or more between 1953 and 1987 were eligible to apply through the VA. It appeared that there would finally be justice for at least some of those who were affected at Camp Lejeune.

THE CURRENT PROBLEM:

In a shocking turn of events, in January 2019 then-Secretary of the Navy Richard Spencer announced the VA was denying the remaining civil claims by individuals exposed to contaminated drinking water at Camp Lejeune. Spencer said it was a difficult decision but suggested that claimants could go to Capitol Hill to seek legislation providing restitution. In his announcement of the VA's decision, Spencer stated, "We are denying the claims to free everybody to take their own course of action."

However, there currently exists an anomaly in the application of North Carolina law in the federal court system which is preventing those who were exposed to toxic water on the base from getting their day in court; in any other state, victims could file their claims. The state of North Carolina has attempted to correct the issue but at this point, as suggested by the VA, Congress must step in to provide a legislative remedy.

PROPOSED LEGISLATION:

The Camp Lejeune Justice Act is a federal remedy to provide victims and their families with long-needed judicial relief of suffering. This bill will allow anyone who resided or worked at the base or was otherwise exposed to its tainted water to file a claim against the government and seek appropriate relief for harm incurred due to the water contamination. It is important to note that passage of this important bill will ensure access to justice through the courts, but anyone who files a case must win on its merits. The legislation would cover individuals not already compensated; they must prove their case so there is not strict liability. Additionally, the budget impact is limited by an amortization provision; there are limits on attorney's fees; and it will not affect the budget of the VA or military since it will come out of the judgement fund, which is a non-budgeted item.

Veterans and their families make great sacrifices for our country and it is our nation's responsibility to take care of them while they serve and after they transition to civilian life. The federal government has failed the victims at Camp Lejeune like Janey and Jerry Ensminger and thousands of others for far too long. We urge you to support the Camp Lejeune Justice Act, so victims and their families can finally exercise their right to seek long-overdue justice through the court system.