

THE MORNING CALL

LEHIGH VALLEY'S
GREATEST NEWSPAPER

ALLENTOWN, PA. 18105.
THURSDAY, FEBRUARY 15, 1979

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Vietnam vet's suit blames defoliant for birth defects

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Of The Morning Call

It's been nearly 15 years since Ronald E. Smith left Da Nang, but for his 12-year-old daughter, Marcelle Jean, the effects of the Vietnam War may never be forgotten.

A federal class-action suit filed yesterday in New York alleges Marcelle is among as many as 100 children born deformed because their fathers were exposed to contaminated defoliants while serving in Vietnam.

The complaint alleges Smith, 35, of 306 S. 16th St., Allentown, suffered chromosome damage because of exposure to defoliants containing the chemical dioxin. It follows suits filed in the last six months linking the same chemical to cancer deaths of servicemen.

Another suit filed yesterday alleged a New Jersey man contracted cancer of the vocal cords after his exposure to the chemical.

Atty. Victor Yannacone, plaintiffs' attorney in all the suits, estimates 4.2 million servicemen were exposed to contaminated defoliants and is asking that those affected be compensated by the defendants: Dow Chemical Co.; Monsanto Co.; North American Phillips Corp.; Hercules, Inc.; Northwest Industries, Inc.; and Diamond Shamrock Corp. No damage amount was specified in the Smiths' suit.

Dow Chemical has admitted "an extremely minute amount" of dioxin had been found in the herbicide Thenoxy. But spokesman John Gleason said his firm's product "has been used for over 30 years with no birth defects or adverse effects on humans."

Last month a Veterans Administration doctor in Little Rock, Ark., said more than 60 Vietnam veterans he examined showed no long-term health problems resulting from exposure to the best-known of the defoliants — "Agent Orange."

Ronald Smith, however, says the health risks of the chemical were pointed out to him by a Philadelphia doctor 10 years ago, a year after his daughter was born with one eye, one ear, a club foot and a cleft palate.

Marcelle was born 18 months after Smith returned from Vietnam. He spent a year with the Marines' artillery unit near Da Nang.

For more than two years after his return, Smith said he experienced leg pains and swelling of the joints, a condition Veterans Administration doctors attributed to arthritis and rheumatism.

But as in the case of other servicemen exposed to the chemical, the problems disappeared, Smith said.

Since that time, Smith, who has nearly 20 years of active and reserve duty in the Marines, carried his request for benefits to the Veterans Administration, the Department of Health, Education and Welfare, and the White House. The pleas failed.

Meanwhile, buoyed by doctors' predictions that the chromosome damage was only temporary, Smith and his wife, Elizabeth Ann, had another daughter, Angelique Smith, now nine is normal.

But Smith says other effects of the chemical have been shown to recur in servicemen a decade after exposure.

Yet he says he has no malice for the chemical companies he is suing.

"It's like when Ford developed the Pinto. They didn't know they had a problem," he says.

And he is optimistic the dangers of the chemical will be established and other victims compensated.

"I believe that a person that's persistent and believes in their cause will eventually get someone to listen to them," he says. "Whatever I can do to rectify this problem, I will do it."