

Committee on Veterans' Affairs
Statement of Senator Claire McCaskill
June 29, 2016

Chairman Isakson, Ranking Member Blumenthal, thank you for the opportunity to address the committee on this important topic. I am here today to speak in support of the Arla Harrell Act, legislation I introduced to address a serious injustice perpetrated against veterans exposed to chemical agents as part of US government experiments during World War II.

The United States Government conducted classified chemical tests of mustard agents – including mustard gas and lewisite – on thousands of its own servicemembers. Mustard agents can cause painful blisters on exposed skin as well as damage to the eyes and respiratory system, leading to a lifetime of adverse health impacts. In total, 60,000 servicemembers are estimated to have participated in the tests, with about 4,000 of them facing the most extreme forms of full body exposure.

One of these servicemembers is a constituent of mine, Arla Harrell, who was twice exposed to mustard gas while stationed for basic training at Camp Crowder in Neosho, MO in 1945. Arla and his fellow subjects were told they would be helping the military “test summer clothing” in exchange for additional leave. It was not until they arrived at the testing site that they were told they would be exposed to mustard agents. Servicemembers who participated in chamber tests were repeatedly exposed to mustard agents until they developed moderate to intense erythema, a painful skin disorder.

The Servicemembers were threatened with court martial if they did not continue with the testing. To make matters worse, they were sworn to an oath of secrecy, leaving them unable to share what had happened to them with anyone, including their healthcare providers. Following his exposure, Arla was hospitalized twice, first at Camp Crowder while still in basic training and again at the 98th General Hospital in Munich, Germany.

Due to the classified nature of the testing and the oath of secrecy, this meant decades of suffering and frustration for the impacted veterans as they sought medical care from doctors who were in the dark about their exposure. Seventy years after the experiments took place, the government has yet to appropriately assist and compensate many of these veterans.

The VA established a process 25 years ago to compensate these veterans, but it puts the burden on the veterans to prove they were exposed to mustard gas in order to make successful claims. These tests were classified. The young servicemembers were held to an oath of secrecy

for more than 40 years. Records are incomplete. And for some veterans, a massive 1973 fire destroyed their entire service case files. The VA established a burden of proof that is insurmountable for too many impacted veterans.

The VA has rejected approximately 90 percent of applicants for VA benefits connected to exposure to mustard gas or lewisite. Of the thousands of veterans who were exposed during World War II, only 40 are receiving these benefits today.

Arla Harrell himself has been denied benefits multiple times, most recently just this month. The VA says that it cannot confirm that mustard gas testing occurred at Camp Crowder and therefore cannot approve his benefits. This comes despite the clear statements from Arla regarding his treatment and the health effects that he has suffered. And it comes despite the fact that the Army recovered mustard gas in vials at Camp Crowder more than 30 years ago, and an Army Corps of Engineers report identifies gas chambers at Camp Crowder.

The Arla Harrell Act would improve the VA's consideration of mustard agent exposure claims and address this terrible situation. Simply, the bill would flip the burden of proof for veterans who have already been denied these benefits. It would require the VA to reconsider all previously rejected claims for benefits under this program with a presumption that the veteran was exposed to mustard gas. Rather than require the veteran to prove exposure, the bill would require the VA to prove that he was not. This is not a large universe of individuals – and all of them have previously made a claim for these benefits.

Additionally, the bill would require the VA and DoD to establish a new policy for the processing of future mustard agent benefit claims so that other veterans do not go through what Arla Harrell and others have been through.

Arla, his wife Betty, and their five children have fought for compensation for his service-related illness for almost 25 years. After more than seventy years, Arla, and veterans like him, deserve recognition for their selfless service. I urge the committee to support this legislation so we may keep our commitment and ensure all veterans receive the respect, care, and benefits they have earned.