

These Marines drank Camp Lejeune's poison. The road to justice is long

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Joan Palumbo wasn't told the danger she was in when she stepped under the showerhead in her bathroom in Jacksonville, North Carolina.

She wasn't told about the toxins mixing into her daughter's food every time she blended formula with water from the kitchen sink.

Or that cooking her own food in that same water would eventually lead to her death.

Palumbo didn't know that beginning in 1953 [toxic chemicals](#) had begun seeping through the ground into two of the eight [water treatment plants](#) on Camp Lejeune, the Marine Corps base near Jacksonville where she and her husband, Fred, lived in the Tarawa Terrace neighborhood.

Trichloroethylene, perchloroethylene, benzene and vinyl chloride, deadly chemicals known to cause [health problems](#) including miscarriages, birth defects, cancers and childhood leukemia, leaked from underground fuel storage tanks, an off-base dry cleaning facility, industrial area spills and waste disposal sites. The contamination of the base's waters continued through 1987 and mostly affected the Tarawa Terrace and Hadnot Point neighborhoods.

It is estimated that more than 1 million people were likely exposed to the toxic waters on Camp Lejeune. Beginning in August, half of those people had filed claims asking for the government to make right what happened to its Marines and their families—but no offers from the government have been extended. And without those offers, the claimants have been forced into litigation—potentially for years—if they want justice.

Palumbo is among those people. The Palumbos moved in 1962 to Camp Lejeune and together had their first child. Fred deployed overseas in 1963.

Subtle signs include miscarriage, premature births

The first signs of trouble for the Palumbo family from drinking Lejeune's water were subtle. While Fred was serving across the world from his wife, Joan suffered a miscarriage.

That same year, Joan became pregnant, this time with twin daughters. They were born three months premature, and entered the world fighting for their lives. The Palumbos' daughter, Kristine, died after three days, on New Year's Day. Her sister's fight continued for six long months before she was able to leave the hospital and join the rest of her family at home.

The Palumbos went on to have six children, and it seemed that tragedy had left them.

When their youngest entered grade school, Joan Palumbo returned to her job as a pediatric nurse. She would eventually become a psychiatric nurse. Fred continued serving in the Marines until retiring in August 1981.

Less than subtle signs? Breast cancer, multiple myeloma

Then, in 1997, Joan's own health took a drastic turn. Her husband calls it her "medical nightmare."

Breast cancer led to a lumpectomy in her right breast.

Another lump in her left breast led to a bilateral mastectomy.

Then she needed a spinal fusion.

A new diagnosis: multiple myeloma.

She had a mitral valve in her heart replaced.

Then she went into renal failure.

If all of that wasn't bad enough, she was inflicted with shingles before her death in January 2011.

Learning about Camp Lejeune's contaminated water

Fred Palumbo told McClatchy he and his wife pored through her family's medical history. Heart problems and cancer weren't part of their story. Nothing made sense.

"We couldn't determine what the problem was," Palumbo said. "And I didn't realize there was a problem until after she died."

He can't remember exactly how he learned about the water contamination. He believes it was a news segment on television that led him to connect with Jerry Ensminger.

Ensminger, a retired Marine, has become the face of the fight for justice for those who lived and worked on Camp Lejeune. Ensminger lost his 9-year-old daughter born on the base, Janey, to leukemia in 1986.

Ensminger led efforts to uncover what happened with the water on the North Carolina base, hold the government accountable for covering up the contamination and ensure that no one who served at Camp Lejeune was left in the dark.

Fighting for justice and the PACT Act

Ensminger spent decades traveling to Washington fighting for the

government to take responsibility for what happened to his fellow Marines at Camp Lejeune.

In 2012, President Barack Obama signed into law the Janey Ensminger Act, which ensured family members of veterans who lived on Camp Lejeune during the years of the water contamination had access to health care.

Last summer, Ensminger's "Oorah," the Marine's battle cry, echoed in the Senate chamber when Congress passed the PACT Act, giving anyone exposed to and affected by the water on Camp Lejeune two years to file claims with the U.S. Navy. The bill also allowed service members to file claims if they were exposed during specific dates to burn pits—a form of waste disposal that can give off toxic fumes—or had illnesses connected to service in the Gulf War, southwest Asia or the Vietnam War.

More than 500,000 claims have been filed because of the PACT Act, Biden announced on April 26.

The claims detail when someone was on the base, their exposure to the water and what health issues they developed.

The Navy can then do one of three things: offer a settlement, deny the claim or do nothing.

If a settlement is offered, the person filing the claim can then accept it or litigate it.

If an offer isn't made within six months or the claim is denied, then the person can pursue litigation.

Attorneys work with victims to file lawsuits

In February, when Camp Lejeune victims could first file lawsuits, a name repeatedly popped up on the court documents: attorney Eric Flynn with Bell Law Group, a firm out of South Carolina, who has since opened an office in Raleigh to help handle the Camp Lejeune claims.

"I couldn't be prouder to represent these clients," Flynn told McClatchy. "These people have suffered tremendously and I think it only takes talking to a handful of them, hearing their stories to hear the suffering they went through."

Bell Law Group's namesake, Edward Bell, began working with victims of Camp Lejeune more than 15 years ago. In the beginning, Flynn's firm tried to sue over the effects of the water, but ran into two hurdles: a time limit for how long after exposure someone could sue, and the government's immunity.

Until the PACT Act, the law firm ran into roadblock after roadblock to get their clients justice.

Flynn can rattle off their stories with ease: the women who suffered miscarriages while their husbands fought in Vietnam, the members of the military who developed neurological effects, the Marine with Parkinson's, the wife with multiple sclerosis. The divorces as medical problems and losses became too much for a couple to handle. The missing faces at family gatherings.

"There have been times where I think any attorney that has talked to these folks have walked out in tears because what these people have gone through is horrible," Flynn said. "To be able to fight for these folks, to be able to bring their claims and hold people accountable is extremely gratifying."

Civil case could become largest in US history

Flynn said that while the government lost sovereign immunity and the time limit constraints, officials still have a lot of arguments they can make.

He said he won't predict what they'll do, but they could raise challenges based on the government's liability, on whether the water caused someone's health issues, or on the length of time they were exposed.

"On top of that, we still have to go through the process of getting experts to review all the documents, picking the jury, getting in front of the jury, convincing the jury of our case," Flynn said.

Catherine Dunham, a professor of law at Elon Law School, told McClatchy that the largest civil case in U.S. history saw 300,000 claims filed due to 3M military earplugs. Camp Lejeune's claims are expected to far exceed that number.

Despite victims being scattered worldwide now, and attorneys as far away as at least Puerto Rico fighting for their business, the case is not multidistrict, meaning all of the lawsuits are being filed in the U.S. District Court for the Eastern District of North Carolina.

District Judge James Dever told parties in March that he would handle the cases expeditiously. If he were to handle each lawsuit filed so far individually, it would take four judges 1,900 years, Public Radio East reported.

"We don't have a court system that could ever hear all those cases," Dunham said

Finding a lawyer

Meanwhile, victims of Camp Lejeune's toxic waters still need to navigate finding a lawyer. Once the PACT Act passed Congress, commercials flooded the airwaves for lawyers who could help secure money for people who lived on the base and even off base.

"The honest to God truth is if they don't advertise, then no, the injured people aren't going to know what to do," Dunham said.

But she understands that some of the commercials leave people uneasy.

"I'll tell you what my philosophy is, is that the justice system has to be available," Dunham said. "You have to have access points for regular people, because it's always regular people who are injured."

Dunham said if that means lawyers need to flood television to reach those who are injured, so be it. She added that someone is at greater risk of being taken advantage of if they walk into a random attorney's office who doesn't have experience but wants to go after a few claimants so they can take his share of the settlement.

Flynn said it's important that people aren't victimized once again, this time by lawyers, through this process. Bell Law Group does not advertise on television.

Flynn said to do your homework on law firms. Call around and ask to talk to attorneys to see if they're the right fit.

"The good ones will do that, and you should be able to speak to somebody that you just click with and feel like this person really knows what they're talking about," Flynn said.

Commercials predicting a specific payout amount have frustrated Flynn. It's impossible for a lawyer to make that promise since none of these cases have been heard and there's no precedent.

In the original draft of the bill to help Camp Lejeune water victims, lawmakers included a 25% cap on attorneys' fees so that lawyers couldn't take advantage of their clients. That cap was taken out before the PACT Act passed into law.

Bloomberg reported in March that Bell Law Group spent more money than any other legal firm lobbying federal lawmakers over the past two years, and one of its requests was for the cap to be removed. Bell said he wouldn't object to a cap but believed lawyers should be able to charge up to 40%, Bloomberg reported.

When asked about the cap, Flynn said the legislation was supported by an overwhelming and bipartisan majority of senators and representatives.

"We, too, support the law as enacted and are eager for these veterans and their families to finally get the justice they have long been entitled to," Flynn said.

Ensminger told McClatchy he had felt that years ago Bell, who he had previously recommended to people like Palumbo, took advantage of Ensminger's connections to drive up business. Ensminger has since cut ties with the firm, and is now working with Mikal Watts out of Texas.

Despite that and the attorneys' fees, Palumbo said he is grateful to the Bell group for helping him navigate through the legal system.

Cancer after drinking, cooking and bathing in poisonous water

Jeff Freuler, 57, a Townsville resident, also said he was thankful to the law firm as he navigates the long legal process ahead of him.

Like the Palumbos, Freuler had no idea he drank, cooked with and bathed in poisonous water while stationed on the Marine base in the 1980s.

Almost immediately after leaving the military, he began noticing neurological problems doctors couldn't explain: anxiety, depression, irritability, poor concentration, and changes in his mood and personality.

Freuler did receive a letter in the early 2000s from the U.S. government warning him that he had been exposed to toxins at Camp Lejeune. But details in the letter were sparse and Freuler dismissed it.

"It was a very generic letter that held very little information," Freuler said.

Then, things got serious.

"In 2012, I was diagnosed with prostate cancer," Freuler said. "At a very young age, according to my urologist."

Freuler underwent a robotic prostatectomy the week of Thanksgiving. The surgery was a success and the tissues taken from around his prostate came back negative for any spread.

Initially, Freuler had to return to his doctor every few weeks to ensure the cancer didn't return. He now goes once every year.

"I was still in the dark," Freuler told McClatchy. "I mean, there was really no information out there that could tie everything together—the cancer that I had to the chemicals—until just a few years ago."

But as Ensminger continued to work, word reached Frueler, who said that as more information surfaced, the more he could connect both his neurological ailments and his cancer to the toxin exposures.

"Continuing to do the research and reading stuff, I mean, it just all started making a little bit more sense," Frueler said.

What happens next?

It's an emotional process for the Marines to come to terms with what happened and that the government was not upfront about it when officials first learned about the toxins.

"I signed up to serve my country, and I'll never regret it," Frueler said.

"What I do get emotional over is the fact that so much was done to cover this up, and it was some very hard work by a handful of people that wouldn't give up that brought all this to the surface.

"When we asked to join the military, when we were assigned to Camp Lejeune, we didn't have to get treated like this, to get poisoned like this by that water," Frueler said.

For Frueler, there's always the question of what's next.

"It's always in the back of my mind, as long as you're walking around with a ticking time bomb and that's cancer, yeah it's not a matter of if it's going to go off, but when it's going to go off, and that plays with your mind," Frueler said.

He said he had to compartmentalize that and push it to the back of his mind every day just to function.

Then there's Palumbo. The illnesses didn't end with his wife. His oldest

daughter, Kimberly, born on Camp Lejeune, died last June just months before the PACT Act passed, at age 59. Like her mother, she suffered from a series of painful health conditions before her death.

"I look back and I've said to myself many times if I just didn't live in the village rather than going to Tarawa Terrace, maybe my life would be different now," Palumbo said. "I don't know. I'm just following what God's put in my path and trying to do the best I can with my children that I have now."

Freuler said he filed his lawsuit to lend a voice to those of people like Palumbo, but also to look out for both himself and his daughter, because if another health issue arises because of the water, he doesn't know what they would do—and they were only given until 2024 to figure it out.

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