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# STARS AND STRIPES®

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## Deficiencies found in sexual assault cases

By WYATT OLSON  
*Stars and Stripes*

One in 10 investigations of military sexual assaults in 2010 had "serious deficiencies," according to a report by the Defense Department's inspector general released Monday.

The areas of deficiency included interviewing, documenting and processing crime scenes, collecting evidence and making investigative coordination/notification.

The Pentagon has been under pressure by Congress and victims to deal more effectively with allegations of sexual misconduct and assault involving servicemembers.

The IG reviewed a random sampling of 501 of the 2,263 closed cases of sexual assault in 2010, as defined under Articles 120 and 125 of the Uniform Code of Military Justice.

Fifty-six of those cases, or 11 percent, had significant deficiencies.

The 501 cases were originally investigated

by the U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service or Air Force Office of Special Investigations.

Most cases reviewed had some level of deficiencies. Only 83 of the 501 cases reviewed were found to have no deficiencies. Just over 72 percent of the cases, or 362, had minor deficiencies, which meant they did not have a "negative impact" on the cases, the report said.

SEE CASES ON PAGE 2

Bill removing commanders from sexual assault cases gains support

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## Surf challenge

Marines ride the waves in Camp Pendleton competition

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JENNIFER HLAD/Stars and Stripes

## Responders to Japanese disaster sue company

By MATTHEW M. BURKE  
*Stars and Stripes*

SASEBO NAVAL BASE, Japan — Five months after participating in humanitarian operations for the March 11, 2011, earthquake and tsunami that led to nuclear disaster in Japan, Petty Officer 3rd Class Daniel Hair's body began to betray him.

He had sharp hip pains, constant scabbing in his nose, back pain, memory loss, severe anxiety and a constant high-pitch ringing in his ears as his immune system began to attack his body. The diagnosis, he said, was a genetic immune system disease, which on X-rays looked to have made his hip joint jagged and his spine arthritic. He was put on a host of medications and eventually separated from the Navy job he loved.

Hair believes radiation is the cause. He is among 50 sailors and Marines in a growing lawsuit against Tokyo Electric Power Co., alleging that Japan's nationalized utility mishandled the meltdown at the Fukushima Dai-ichi nuclear plant that spewed radiation into the air and water.

Other servicemembers have been diagnosed with leukemia, testicular cancer and thyroid problems or experienced rectal and gynecological bleeding, the lawsuit says. Hair said one of his friends, a fellow USS Ronald Reagan shipmate, was diagnosed with a brain tumor.

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## MILITARY

# Nuclear: Servicemembers claim TEPCO lied about risk of radiation exposure

## FROM FRONT PAGE

"I live in pain every day," Hair said. "I went from this guy in top physical condition to a deteriorating body and a whacked-out mindset."

Hair said there is no history of the genetic disease in his family and that doctors have told him radiation exposure could have triggered it.

The Defense Department and other organizations have said the radiation levels that troops were exposed to during Operation Tomodachi were safe, implying that any cancers or physical ailments since then are coincidental. Nearly half of all men and one-third of all women in the U.S. will develop cancer during their lifetimes, according to the American Cancer Society.

"The U.S. Navy took proactive measures throughout and following the disaster relief efforts to control, reduce and mitigate the levels of Fukushima-related contamination on U.S. Navy ships and aircraft," Pacific Fleet spokesman Lt. Anthony Falvo wrote in a statement to Stars and Stripes.

"To provide a radiological dose perspective, when USS Ronald Reagan sailed through a plume of radioactivity from the Fukushima nuclear power plant during disaster relief operations, the maximum potential radiation dose received by any ship's force personnel ... was less than the radiation exposure received from about one month of exposure to natural background radiation from sources such as rocks, soil, and the sun."

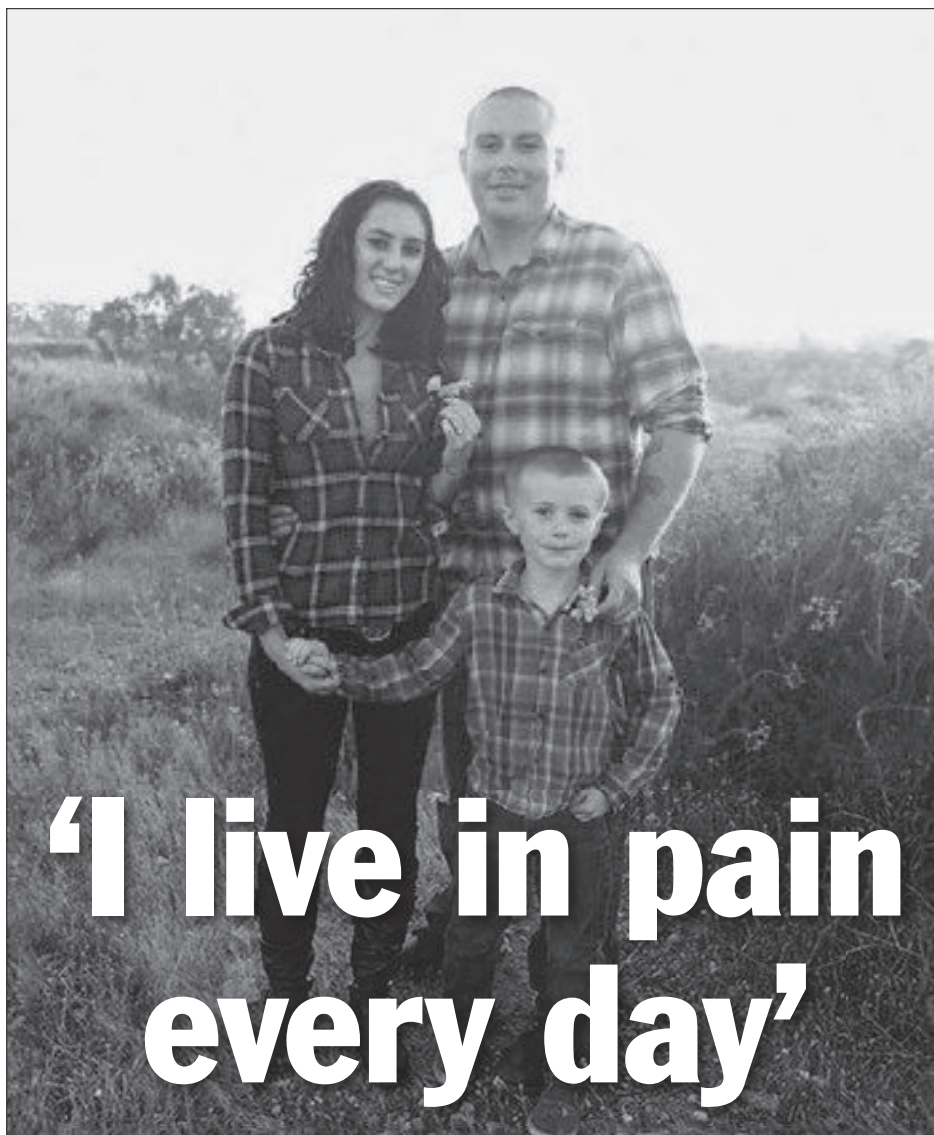
Independent reports back up the Defense Department's statement, but the suit continues to grow. An additional 150 servicemembers are being screened to join, plaintiffs' lawyer Paul Garner said last month. Each servicemember participating will have to prove in court that his or her conditions are related to the exposure, something Garner says he is confident they can do.

The plaintiffs allege that TEPCO lied about the risk of exposure, luring American forces closer to the affected areas and lulling others at bases across Japan to disregard safety measures. They are seeking at least \$40 million each in compensatory and punitive damages and more than \$1 billion for a fund to cover health monitoring and medical expenses.

They will be in federal court in San Diego on Oct. 3 to fight a TEPCO motion for a change of venue to Tokyo and a motion to dismiss, Garner said.

Most of the plaintiffs contacted by Stars and Stripes did not return messages. Several said they were being threatened and harassed through anonymous phone calls and social media for bringing the suit and declined to comment. The plaintiffs have been accused of being fortune-seekers by their peers and for allegedly sully the operation's goodwill.

The sailors who spoke out see it differently. Hair, who lost his Navy career as a result of his medical status, said he wanted to see some humility and compas-



## 'I live in pain every day'

Courtesy of Daniel Hair

**Daniel Hair — seen here with his wife and son — is one of 50 sailors and Marines who are suing the Japanese utility TEPCO, claiming the company lied to the U.S. military about the dangers they faced from the Fukushima nuclear plant disaster in 2011.**

sion from TEPCO, which declined to comment on the suit.

"Yeah, there is money involved, but how else is that company going to pay for what they've done to people?" Hair said. "Who knows what health problems we'll have down the road?"

### 'Nobody knew what to do'

When the earthquake struck, Hair and his Reagan shipmates were en route to Korea. They immediately turned around and steamed to the affected area.

"There were people in distress," he said. "This is what we signed up for."

The Reagan passed through debris as far as the eye could see: wood, refrigerators, car tires, roofs of houses with people riding on them. Hair was told they were five to 10 miles off the coast from Fukushima, which had been damaged by a massive tsunami spawned by the quake.

Sailors were drinking desalinated seawater and bathing in it

until the ship's leadership came over the public address system and told them to stop because it was contaminated, Hair said. They were told the ventilation system was contaminated, and he claims he was pressured into signing a form that said he had been given an iodine pill even though none had been provided. As a low-ranking sailor, he believed he had no choice.

The Navy has acknowledged that the Reagan passed through a plume of radiation but declined to comment on the details in Hair's story.

And while many of the plaintiffs came from the Reagan, some of the sailors and Marines involved in the suit were much farther away — adding to skepticism about the motives behind the suit and reigniting a decades-long debate over the effects of low-level radiation.

Shortly after the disaster, Senior Chief Mike Sebourm was sent from his home base, Naval Air Facility Atsugi, to Misawa Air Base, 200 miles from the falter-

ing plant. As a designated radiation decontamination officer, he dealt with aircraft and personnel that had flown into the area.

Sebourm, with only two days of training, was tasked with testing seven points on an aircraft's skin for radiation. He and others crawled all over the crafts for months, he said, with only gloves for protection. At one point, he said, they took the radiator out of one aircraft and tested it. The radiation was four times greater than what should have required them to wear a suit and respira-

tor, he said. The level of radiation "was incredibly dangerous," Sebourm said. "Navy aviation had never dealt with radiation before. Nobody knew what to do. Nobody knew what was safe. It was a nightmare."

Sebourm said he suffered nose bleeds, headaches and nausea in the immediate aftermath — symptoms consistent with radiation poisoning. Months later, he felt weak in his right arm; excruciating pain followed. He said the command fitness leader in charge of physical training at Atsugi watched as his arm atrophied to about half its size.

"I have issues that can't be explained," Sebourm said. "It just seems like I am deteriorating."

Sebourm said he went to doctors more than a dozen times, but no one knew what had caused the former personal trainer to lose 70 percent of the strength in the right side of his body. He retired after 17 years in Japan.

Sebourm is alarmed that the word "radiation" doesn't appear anywhere in his service record, even though that was his job and he was exposed to it. He believed troops exposed would be red-flagged in their service records and be tracked for medical problems.

The Defense Department created the Operation Tomodachi Registry to show radiation dose estimates based on shore locations — and to list more than 70,000 DOD-affiliated people in the area from March 12, 2011, through May 11, 2011, and their individual exposure levels. More than two years after the disaster, the registry remains incomplete.

They hope to release the data for ship-based personnel this month, Craig Postlewaite, director for Defense Department Force Readiness and Health Assurance, wrote in a statement to Stars and Stripes.

### 'The effects can't be completely denied'

The scientific community is divided on the effects of low-level radiation.

A World Health Organization report released earlier this year said those located outside the most affected areas have little increased risk for cancers or thyroid problems and those within the areas have only a slight increase of risk. However, the report states that the assessment could change over time, because not enough is known about low-level radiation.

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MILITARY

# Nuclear: Plaintiffs don't blame US military, say it did the best it could

FROM PAGE 4

"Because scientific understanding of radiation effects, particularly at low doses, may increase in the future, it is possible that further investigation may change our understanding of the risks of this radiation accident," the report said.

Shinzo Kimura, a professor at Dokkyo Medical University in Japan, had been collecting radiation contamination data and studying the radiation exposure risks from Chernobyl. He was the first scientist on the ground in Fukushima after the disaster, and he said he was compelled to take readings because he didn't trust Japan's government.

"My heart breaks greatly that those servicemembers, who worked for Japan during Operation Tomodachi, suffered radiation exposure," he said.

Even though some say low-level radiation exposure is harmless, Kimura said some studies have suggested that low-dosage radiation exposure could increase the risk of cancers. However, the risk depends on the amount of radiation that person was exposed to, and with little accurate data, he believes the servicemembers' case may be hard to prove.

Kimura said the levels were so high around the plant that his dosimeter was unable to measure

the radiation — the level was off his device's scale.

He said the winds were blowing out toward ships off the coast in the days after the disaster.

In addition to Kimura's claims, a Japanese government study released in February found that more than 25 times as many people in the area have developed thyroid cancer compared with data from before the disaster.

Kimura said the effects of ingesting radiation-contaminated water aren't known.

"There are many things that are unknown about how internal exposure effects human body," Kimura said. "So, the effects [it could have] can't be completely denied."

The U.S. military has refused requests from Stars and Stripes for detailed information about the types of toxins and the levels that personnel were exposed to during Operation Tomodachi. U.S. Forces Japan has said samples collected from areas where troops deployed near Sendai were analyzed for hundreds of environmental contaminants but they have not released information about how many samples were taken in the disaster zone or how many sites were surveyed.

Toxic chemicals, such as asbestos, were cited as a concern by health organizations during

the clean-up effort. In April 2011, The Associated Press reported that activists found asbestos — a cancer-causing, fibrous material — in the air and in debris from the devastated northeastern coast. At that time, Japan's Health Ministry said it was issuing pamphlets outlining safety guidelines and distributing 90,000 masks in the hardest-hit prefectures in an effort to reduce the risks, the AP reported.

## 'I could be dying at 40 years old'

There is precedent in Japan for making TEPCO pay damages. In May, the Nuclear Damage Claim Dispute Resolution Center, a government-run alternative dispute resolution entity, presented an initial compromise offer — siding with about 180 residents of Iidate village, in Fukushima prefecture's Nagadoro district — that TEPCO pay about \$5,000 to each person and \$10,000 for each pregnant woman and child for mental distress from radiation exposure, said the residents' lawyer, Yosuke Yamamoto. They have also demanded compensation for household goods and utilities.

The center suggested anyone in the area for at least two days after March 15 should be compensated, Yamamoto said. There is no time-



Courtesy of Mike Sebourn

**Mike Sebourn says that he suffered nose bleeds, headaches and nausea in the immediate aftermath of the Fukushima nuclear plant disaster in 2011. The command fitness leader in charge of physical training at Naval Air Facility Atsugi said he later mysteriously lost 70 percent of his strength on the right side of his body and experienced debilitating pain.**

line for a final ruling. The center will hear individual cases on both sides and make a final proposal.

The servicemember plaintiffs say they don't blame the U.S. military for what has happened to them. They believe it acted in good faith and did the best it could with the information it was given at the time. However, they are happy to take on TEPCO — and

to face the ire that has come to so many.

"I wish they could see what they've cost me by not making us aware of what we were getting into," Hair said. "I could be dying at 40 years old."

Stars and Stripes reporters Hana Kusumoto and Seth Robson contributed to this report. burke.matt@stripes.com

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