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Passion Too High, Spotlights Too Bright

Why Monsanto Agreed To Settle With Veterans On Agent Orange

By Richard J. Mahoney

We settled this controversial case because, when all the factors were weighed, it was the right thing to do. Contrary to what might have been printed or said in the settlement's aftermath, we settled *in spite of* our firm belief that we had a very strong case, and *in spite of* the lack of scientific evidence that exposure to trace amounts of dioxin could cause the human health effects claimed by the veterans.

But it sometimes happens in life that the *right* thing to do is different from *being right*. Even though we believe that Monsanto and the other chemical companies involved in the suit were "right" on the legal issues, there were compelling reasons for not letting the suit go to trial.

For many years, this painful and complex case has been an enduring symbol for some Vietnam veterans. They believe that our country has treated veterans, at best, as invisible, and, at worst, as reminders of America's first military defeat.

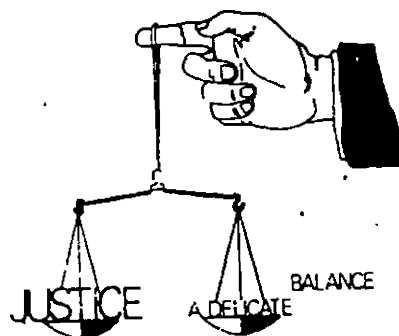
The anger and resentment of these veterans and their families focused, not surprisingly, on what they saw as a very concrete example of their country's lack of concern for their welfare.

The Agent Orange case to them, and to many average citizens watching this issue debated on the evening news, was no longer simply a lawsuit against chemical companies. The question of whether or not dioxin exposure could reasonably be cited as a cause of their health problems was often confused by the larger social and political issues. To many observers, the case had become a "cause," a rallying point, representing the failure of our government to discharge its responsibility to those who had served it well.

It should be noted that Judge Weinstein helped both the plaintiffs and

the defendants focus our thinking on these larger issues; in other words, whether it was in the interests of either side for this case to go to trial, regardless of who was right or wrong.

Seen from that perspective, the entire cause, if not the case itself, was a loser, regardless of the outcome before a Brooklyn jury. As experience has taught us, causes are not won in courts of law — they are decided before the people in the court of public opinion.



We knew that there was no way to get the public or the veterans to focus on the more narrow legal issues in the case. The level of passion was too high and the spotlights were too bright. In the final analysis, Monsanto did not believe that anyone benefited from our company becoming part of the last battleground of the most divisive and painful incident in our nation's recent history, the Vietnam War.

By settling prior to the trial, Monsanto and the other defendants are agreeing to establish a \$180 million fund from which the veterans and their families will be reimbursed for relevant medical expenses. The amounts proposed to be contributed by individual companies have been ordered by the judge to remain confidential.

Are the claims of these veterans and their families legitimate? Some veterans are suffering, as are members of their families. Their exposure, emotional tensions and risks were many and unusual in the Vietnam conflict.

No reasonable person could remain unmoved by what we've all seen and read, but we unequivocally maintain that there is no credible scientific evidence to suggest that their medical problems are caused by dioxin. Despite the evidence, the veterans, their families, and many Americans will never believe that.

Had we not settled, the case would have continued for years, and our being right in our own minds on the facts may not have been enough to convince the courts — or the world.

We do not believe that the expense of a long trial, the negative media attention, and most important, the potential damage to Monsanto's reputation as a concerned, sensitive, socially responsible company constituted an acceptable price to pay. On the other hand, the settlement is, in our opinion, a fair arrangement to put the Agent Orange case behind us once and for all.

Our agreement to settle the case, however, should not be taken as a signal to others that it's open season on Monsanto. There are still other dioxin-related lawsuits in which Monsanto is a defendant. The circumstances in those cases are vastly different, and each will be judged on its own merit.

Recent scientific studies have confirmed our position that dioxin is not the dangerous chemical the public has been led to believe, and we have no intention of allowing our decision on the Agent Orange case to be used as precedent in other cases.

Richard J. Mahoney is president and chief executive officer of Monsanto Co.