

## Does Vaccination/Immunization in the Military Equals a Loss of Basic Medical Rights to Informed Consent? Perception of a Retired U.S. Combat Army Medic Veteran

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**Received:** March 09, 2020; **Published:** April 28, 2020

### Abstract

The U.S. soldier is a one of the very few (less than 1%) of the U.S. population, that has volunteered to lay down his/or her life for the preservation of the Republic, and while the military is said to play a vital role in the US national security policy. Many veterans have complained about their rights to Informed Consent as regards mandatory vaccination, especially when medical conditions or disease may have arisen from the vaccines, are rejected by both the military and Veterans Affairs as service connected. This article is thus to raise these questions and instigate productive debate as to the plights of these very few that volunteered to service the US military in combat.

**Keywords:** *Vaccination; Immunization; Informed Consent; Rights; Military*

### Abbreviations

AHLA: American Health Lawyers Association; CIA: Central intelligence Agency; DHA: Defense Health Agency; DoD: Department of Defense; FDA: Food and Drug Administration; GAO: General Accounting Office; NSA: National Security Agency; UFO: Unidentified Flying Objects; U.S.: Unites States

### Medical rights to refuse: Informed consent

**Civilian:** The Rights of civilians in civilian medical facilities in the U.S. are clearly displayed on walls or boards in almost all hospitals in the continental U.S. It guarantees the rights of every patient to Informed Consent and rights to also refused medical care or demand information about their medical care [1], while in some states in the USA, patients have the rights to opt for physician accepted suicide.

**Military:** The U.S. military plays an important role in the Republic's national security policy [2]. The American Health Lawyers Association in their guidebook (AHLA) [3] emphasized the US Department of Defense (DoD) policy position of the Rights of Service members to refuse to participate in a medical research study. It reported that, soldiers must "have a confidential discussion with the military physician who is performing the research about known or expected risks, any anticipated therapeutic benefits and treatment options" (p. 2), prior to participating in a medical research. The DoD and U.S. Department of Health and Human Services (HHS) support these rights for all service members no matter their age or status, so long they are in the military to have the legal capacity to consent. However, "there are limited

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**Citation:** George Edafese U Alakpa. "Does Vaccination/Immunization in the Military Equals a Loss of Basic Medical Rights to Informed Consent? Perception of a Retired U.S. Combat Army Medic Veteran". *EC Microbiology* 16.5 (2020): 57-64.

circumstances when informed consent by military members may be waived by the President” (p. 3), what are these limited circumstances, is this writer’ dilemma. The AHLA Pubic Interest Guidebook [4], while stating the position of the DoD guidelines on soldiers’ right to informed consent to both participating to medical study and treatment, it listed some circumstances that treatment can occur without Informed Consent from soldiers, and these includes:

1. Emergency, where consent is presumed.
2. Therapeutic privilege; here, “the healthcare provider may determine it would be in the patient’s best interest to not inform him or her about all or a portion of the treatment’s risks as informing process itself would likely harm the patient in an unacceptable way” [4, p. 2].
3. Unanticipated Condition During Surgery.
4. Waiver: Here soldier waived rights to give Informed Consent in writing.
5. Military Fitness for Duty: “Military commanders have the legal right to require service members to undergo physical, psychiatric or other medical examinations and procedures to determine fitness for duty without obtaining the service member’s consent. This may also include vaccinations” [4, p. 3].

### **Informed consent**

The AHLA described informed consent as “a conversation or series of conversations that take place between you (the potential research participant) and the research study’s investigator(s). The informed consent process involves two parts: (1) your right as the research participant to determine what happens to your body and (2) the investigator’s duty to provide you with enough information so that you can make an educated decision about whether you want to participate in the research study. The process of understanding the risks, benefits, and alternatives to the research study is known as informed consent. In medical research that is conducted by the military, the rules about informed consent are similar to the core principles and regulations that govern medical research in the civilian population. However, some special and unique regulatory requirements arise in connection with DOD-funded or DOD-conducted research” [3, p. 1].

Like with the civilians, according to the DoD’s guidelines as reported by Defense Health Agency [5,6], soldiers in the U.S. military have the following Rights: Right to medical care, Right to information, Right to participate in one’s treatment decisions, Right to a safe environment, Right to complain, Right to respectful care and right to privacy and security of information. From all regulations, policies or guidelines, it can be rightly assumed that, soldiers have the medical Rights to choose or determine their medical choices, however is this what is observed in reality? From AHLA [4], “In general, every patient has the right to decide what happens to his or her own body and can refuse even life-saving treatment for religious, personal, and other reasons but there are limited exceptions for military personnel” (p. 2), but “Military commanders have the legal right to require service members to undergo... examinations and procedures to determine fitness for duty without obtaining the service member’s consent” (p. 5). Also, “You should be free to voice complaints to the military treatment facility patient relations representative or to the patient relations office without fear of intimidation, harassment, threat or penalty [6, p. 2], but know that should a soldier “refuse treatment, fail to follow the health care provider’s instructions regarding your care or leave the medical facility against medical advice, you will be responsible for your actions. However, the health care provider and facility should inform you about the potential consequences of your decision to refuse treatment. Most facilities will ask you to sign a form noting that you are leaving or refusing treatment against medical advice” [6, p. 3].

### **Background: Brief of writer**

The writer is a Nigerian born U.S. citizen, and a veteran of the Afghanistan war, whose father and uncle were also soldiers in the Nigerian Army, and veteran of the Nigerian civil war of 1967 to 70. Writer grew up in the military barracks attending military elementary school at the Ikeja Military Cantonment, so military discipline and unquestionable obedience to order, were his upbringing by second nature. Also, other than military background, there is the cultural aspect at that time, where and when children are taught never to question orders from their parents, but to obey!

After an initial visit to the United States (U.S.) as a PhD candidate, this writer finally migrated in 2001 and later that year observed the terrorists attacks of the Old World Trade Towers and other incidents of that day -September 11, 2001, incidences that was like the adjuvant that finally got the writer to enlist into the US military, and finally had his opportunity to serve in combat (Afghanistan War) as a U.S. Medic.

**Academic:** Writer had the humble privilege of studying Microbiology from undergraduate to post graduate and post-doctoral level in Medical Microbiology and Parasitology, and later a graduate training in Public Health. Post combat duties in Afghanistan, earned a Doctoral training in National Security with focus on Bioterrorism. These background or foundation couple with a personal experience in the U.S. military in combat as an Army Medic questioning/opposing the imposition of a vaccine, whose antigen and efficacy was highly questionable, and with personal experience from many combat veterans, remain the bases for the article.

### **Medical ethics**

It is generally known and accepted among every researcher, or medical researchers, that no human must be subjected to any medical research without due consent, this premised must have arisen from past abuses reported in field trials. In most cases, in well-established institutions, no research study or drug test study would be approved without due documentation of prior consent by subjects to freely accepting to be part of such study. The US department of Human Health Services [1], office for Human Research Protections website enumerated the enormous importance of “consent” and detailed various conditions to obtain this consent (and possible waivers under 45 CFR 46.116c) regulations.

### **Military enlistment and medical rights**

It is simply an understood and accepted fact, that once an individual signed up into a group or organization, certain common privately enjoyed rights are “lost” or surrendered in order to accomplish missions of the organization. Similarly, soldiers give up lot of “Rights” once enjoyed before enlistment. One of such, is that to obey all orders before questioning, especially in a combat situation, however, certain caveat is included in the Uniform Criminal Code of Justice UCMJ, employed for all branches of the United States Military to this, and that is, every soldiers has the right to disobey an unlawful order. The dilemma here is, how or when can a subordinate be 100% confident to ascertain an order from superior is unlawful?

### **Cases:**

- A. In 2010, the writer was in a deployment for combat as an army medic in a certain region where the species and strains responsible for Flu like respiratory disease conditions are different from those responsible in the continental USA. From his prior academic and medical research background, especially in vaccine development and microorganism, this writer is 100% confident of this. So, when ordered to be vaccinated against a disease condition in this far country of development, this writer, (also a trained Army Medic) questioned the efficacy of the vaccine being ordered administered into his body. And as expected, this drew the anger first of the enlisted soldier ordered to carry out this administration, then the superior officers and to the top commander

of the base hospital. The writer's next senior chain in command were called, as it was first said be a violation of a lawful order that this writer MUST obey, even when his objection was acknowledged to be scientifically true, by those (who are medical professionals) trying to enforce this order.

- B. Iraq war vaccination: Prior to the U.S. attempt to liberate Kuwait from Iraq in 1991, who had earlier annexed this smaller country, soldiers were ordered to be vaccinated with a vaccine manufactured by BioPort (Now Emergent Biosolutions). This vaccine, BioThrax, at that time was reported not to have been approved or licensed by the Food and Drug Administration (FDA) [7] for use against inhaled Anthrax. So, soldiers were forcibly administered what is called an "off-label"/experimental vaccine, in order to immunize soldiers against the possible exposure to a biological anthrax weapon from the Iraqis' military.

So, despite safety concern, the Department of Defense (DoD) was reported to have mandated the vaccination of all military personnel with this BioThrax vaccine before deployment to Iraq and Afghanistan [7]. BioPort Corp is said to have obtained FDA approval to include aerosol exposure, then and intramuscular injection in reduces number of doses, and thus in 1997 over 2 million soldiers were made to receive this vaccine. Civilian DoD personnel were reported to have been mandated in 1998 to get these vaccines too.

- C. Suing the U.S. government: Many soldiers post the Iraq war have complained about several adverse effect from the vaccination forced on them by the military, intended to protect them from possible anthrax biological agents. The General Accounting office (GAO) as reported by Crosby, 2018 [7] that many of the pilots that had this anthrax vaccine, had common reactions like extreme fatigue, joint pain, limited motion arm pain and memory loss. Following the post immunization of these soldier, many have had to seek judicial redress, as it is very difficult to personally hold the military responsible [7-11].

### **Analyzing cases above**

Critical analysis of the few cases stated above by anyone, would justifiable instigate a question of trusting the government Institutions, especially the military leadership as to the credibility of the policies within it is own guidelines to medical Rights of soldiers as to true freedom to "refuse care" and not be adversely punished. Also, question is still being raised as to if soldiers are truly told or given adequate information, especially as to risks of whatever is being forcefully administered to them. Same doubt is being raised by citizens, especially in the U.S.A with regards to vaccines and the possible side effects to their children or elderly. This citizens' resistance to vaccination is a serious hindrance or impediment to actualizing Public Health management of infectious/contagious diseases. As this writer compose this article, the world is experiencing what is now term as 2019-nCoronavirus, 2019 novel Coronavirus, or "new "coronavirus, or more recently CoVid-19 disease that has being reported to be responsible for over 900 deaths in china and in many other countries [12,13], with so many now questioning the origin of this "novel" virus.

### **Absence of trust in government or conspiracy for genuine questioning?**

We live in a world where people with genuine questions, especially about incidents are immediately called conspirators just to silence them or as in some cases, just to suppress the truth and deny citizens the facts about it. For instance, in the 1940s, when some citizens in Roswell, New Mexico, reported the sighting and downing of an Unidentified Flying Objects (UFOs) or "flying saucers. Military pilots also made similar observation, but for many reasons, the government via intelligent officers of the Army Air Force and other intelligence agencies, employing numerous tactics tried to suppress, and denied its occurrence. Citizens with first-hand information were threatened by government agents, some even killed to suppress it. Today, many countries military or government agencies have now declassified reports confirming the existence of UFO as reported in the 1940s [14-21]. There is currently a TV documentary on the History Channel TV showing a series of what is call "The Project Bluebook" outlining the coverups or investigation of the UFOs sightings (The Project Blue Book on [www.history.com](http://www.history.com)).

Following the 2019-nCoronavirus (CoVid-19) epidemic, many are already suspicious about the true origin or nature of this organism, many questioning if it is a biological agent designed in the laboratory but due to biosafety failures, accidentally or intentionally released into the community [13,22], all because citizens are not trusting whatever government officials are stating.

Today, many civilian citizens are complaining of the numerous side effects of vaccination, and with denials from government agents with states or cities governments threatening citizens with one or two consequences, or even forced/mandatory vaccination if they refused vaccinations. For instance, in 2019, June 13<sup>th</sup>, the New York State Governor Andrew Cuomo sign a law repealing parents' legal right to obtain a religious exemption from vaccination for their children to attend school and daycare programs. Citizens, went to court to challenge this, but the NYS Supreme Court Judge Denise Hartman, was reported to have upheld this law [23]. These opposition to vaccine by citizens, are reported not to be new, and such oppositions are based on numerous factors or beliefs [24-27]. Horowitz book [28], enumerated many questionable vaccine testing conducted by U.S. agents in certain populations and side effects, denial etc., some of these suspicions being raised by many people globally, all revolving around this distrust of the genuine intentions of world governments.

### **Vaccination**

Vaccination simply put, can be summarized as a process of administering a vaccine to assist the body immune system to develop some level of protection against the specific infectious agents or property used. Immunization, however, is a process in which an individual is made resistant to a specific agent or disease, to build up its body immune system. Vaccination is just administering a vaccine, and immunization is what happened, or expected to happen after vaccination; protecting the animal or person from that agent employed in vaccination when next exposed to it.

### **The herd immunity theory**

As a young microbiology student, this writer taking a class in his first immunology class, was then taught that the essence of vaccination was to create a herd kind of protection, known as the Herd Immunity i.e. immunizing certain percentage of the population (not everyone), in order to checkmate or mitigate the dissemination of certain diseases in a population. Thus, vaccination is one of the most important Public Health tool in curtailing or combating the dissemination of infectious agents or disease. Despite the strong opposition by many with this method of reducing preventable diseases or agents, some health professionals/institutions, governments, are of the position that vaccination is a must, to maintain public health good.

### **US Army/military and vaccines**

The U.S. military's involvement in vaccination can be traced back to the effects of smallpox on the Continental Army in 1776 [29], with General George Washington ordering the mandatory inoculation of soldiers, without prior immunity to smallpox disease, a process known then as variolation. The U.S. military in 1898 in response to the Yellow fever disease during the Spanish-American war, created a Yellow Fever Commission, headed by Walter Reed. This later became the full medical research involvement arm of the U.S. military into vaccines development on adenovirus, HIV, malaria, and today into more Bio-level 4 organisms like Ebola, Anthrax etc.

### **Soldiers rights to consent or refuse?**

In the U.S. military, many documentations [3-6] all emphasizes the rights of soldiers to health care, or rights to refuse treatments or vaccinations etc. however is that truly what obtains in the military? Are soldiers truly free to object or refuse vaccination, in an institution where you are told what to do and MUST OBEY, failure to so do, get you punished? Are soldiers told the "truth" about the vaccines being administered to them as in the examples enumerated in "Case" above? Are soldiers mandated to lose their Rights to be involved in what is being introduced into their bodies?

This writer leaves everyone to answer these questions truthfully to their consciences, but as one that by providence, was born into a family of soldiers, and one that freely volunteered to enlist and served in combat with one of the most highly known military forces; the U.S. Army as an Army Medic, I can say, what is on the books do not really translate to what happens. Sadly, some U.S. combat veterans in the past have tried to question what and why they are now suffering because of certain orders given to them by their superior officers and medical staff.

Study by Sulsky, *et al.* [30] on vaccination against anthrax, reported that soldiers that were vaccinated with the anthrax vaccines and were in combat, had lower odds of disability separation from the Army and that there was no significant association between vaccination and obtaining separation or VA disability benefit etc. This supports the position of many veteran's difficulties to link whatever post anthrax vaccine effects they claimed years after discharge to what was administered to them, and refusal of the military to either treat or compensate. Many Vietnam veterans died and suffered for years before the military owned up to the "Agent Orange" effects, and many known to the writer are currently dying from the effects of this Agent Orange. Are soldiers of the Iraqi /Gulf War campaign going to suffer similar faiths like the Vietnam veterans exposed to agent orange-cancerous- effects (post combat duties) before any recognition and treatment would be provided? Time will tell.

Today many are having difficulties trusting their rulers/leaders' explanation on many interventions in both military and civilian settings, because the common adage is, "the government always lies", a situation detrimental to implementation of both health and national security programs. Worse is, if soldiers cannot trust their superiors especially when it comes to their health rights or mandatory immunization for mission, and never treated or compensated for possible side effect of this process post service. It will possibly/probably affect military cohesion especially and ultimately in executing its imperative duties to ensure peace via sacrificing their lives or limbs for mission accomplishment.

It will be wise and proper for government to rethink these policies of "forced vaccinations" replacing it with the full education to the soldiers or civilians, that, it is their rights to refuse in line with already documented military medical statements without lying to them. Murphy, *et al.* [9] study of United Kingdom (UK) soldiers that got the anthrax vaccine from 2003 prior to going into the Iraq war, concluded that, those that made uninformed consent choice to be vaccinated, reported "worse health outcomes" (p. 7647), their data generally reported no adverse health outcomes following anthrax vaccination. It is therefore time to stop denying those that are suffering from the serious side effects of so called "safe vaccines" administered to them, especially when they were never told the truth. Soldiers losing their rights to full information in the military is a global issue sadly, however, this writer can attest to that fact that, some countries militaries are currently more acceptable to making corrections, especially by setting standards in doctrinal policies. They should, now start enforcing same in actual practice. It is the duty of every leader, from non-commission to commission officers' level, to adhere to their creeds, that summarily place the safety of their subordinates first above theirs, an oath this writer took as a Non-Commissioned officer in the U.S. Army. Jeffery, 2015, in his study conducted in Australia, concluded that mandatory vaccination will do more harm to public health efforts to combat the dissemination of contagious diseases or agents, recommending programs that are accessible, clearly communicated and supported by more human laws that alley the citizens' opposition to vaccination.

## **Conclusion**

In conclusion, the current male and females that volunteers for the military are computer or technologically savvy adults, with easy access to information at the tip of their palm. There is also the possibility that many would be highly educated or well informed about past abuses or soldiers' informed consent rights, or stories of issues like the mandatory anthrax vaccination of the soldiers years back, and how they were treated by the Veterans Affairs department on service connected medical issues, or global suspicion about vaccination. Soldiers should not be seen and treated as a group that can just be subjected to trials for vaccines not approved, just because of the urgency of a mission. Telling them the truth, is much better than lies or half-truth, that only serve to perpetuate the continuous suspicion of the intent

of our government, to protect citizens by its citizens. Everyone does not necessarily need to be vaccinated in a community, is that not the bases of the herd immunity theory? Mandatory vaccination leads to more distrust and resistance, suppression with force is never good in a civil society or organization with discipline, it's time for the U.S. military, and other countries militaries, to adapt and re-strategize.

**Ethical Approval and Consent to Participate**

Not Applicable.

**Consent for Publication**

Author wrote this and seek no consent from any one to have this article published.

**Availability of Supporting Data**

Not applicable.

**Competing Interests**

Author declare he has no competing interest.

**Funding**

Not applicable.

**Author' Contributions**

Not applicable as it a single authored taking all responsibility.

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**Volume 16 Issue 5 May 2020**

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