

# Breaking the Nuremberg Code: The US Military's Human-Testing Program Returns

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The Pentagon is slated to release a suspected toxicant in Crystal City, Virginia this week, ostensibly to test air sensors.

The operation is just the latest example of the Defense Department's long history of using service members and civilians as human test subjects, often without their consent or awareness.

### **Gas chambers in Maryland**

Wray C. Forrest learned about the US military's human-testing program the hard way. In 1973, the Army sent then 23-year-old Forrest to its Edgewood Arsenal chemical-research center in Maryland, promising patriotic service and a four-day work week.

Instead, he became one of roughly 6,720 soldiers used as Edgewood Arsenal test subjects between 1950-1975.

Forrest was given a new identity at Edgewood: Research Subject #6692. He says, "That was the number assigned to me ... similar to the numbers assigned to the Jews in the concentration/death camps in Germany during WWII."

The US military tested heart drugs on Forrest, which he says were administered by IV and various types of injections. Forrest was also exposed to "contaminated drinking water, food, and various ground contaminates that permeate Edgewood Arsenal. BZ [a chemical incapacitating agent], napalm, mustard agents, and any number of other contaminates in the ground and drinking water there, from previous testing done there by the military."

A total of 254 different chemicals were researched on soldiers at Edgewood, and Forrest notes, "We were never informed as to exactly what we were being given. We also did not sign any informed consent prior to the testing. This was a direct violation of the Geneva Convention rules for the use of humans in chemical and drug experiments/research."

The Edgewood Arsenal facility played a role in WWII human subject testing as well. Roughly 4,000 US soldiers were used as human guinea pigs in chemical research which often took place in gas chambers.

US Navy member Nat Schnurman, for example, was sent to an Edgewood gas chamber six times one week in 1942. As *The Detroit Free Press* reported: “On his last visit, a blend of mustard gas and lewisite was piped in. [Schnurman was overcome with toxins, vomited into his mask and begged for release. The request was denied.](#) His next memory is of coming to on a snowbank outside the chamber.”

### **A pattern of abuse and neglect**

If the sagas of Forrest and Schnurman were isolated, they would represent a disgraceful yet closed chapter of US military history. Unfortunately, the Pentagon’s human-testing program has extended far beyond Edgewood Arsenal.

[Human Experimentation](#), a 1994 report from the congressional General Accounting Office (GAO), lays out the Defense Department’s sordid history in detail.

Between 1949 and 1969, for example, the Army sprayed bacterial tracers or simulants on unsuspecting populations in hundreds of biological warfare tests. According to the GAO: “Some of the tests involved spraying large areas, such as the cities of St. Louis and San Francisco, and others involved spraying more focused areas, such as the New York City subway system and Washington National Airport.”

No coherent attempt was made to warn those affected or to offer follow-up medical care.

Between 1952-1975, the CIA tested LSD and other psychochemical agents on “an undetermined number of people without their knowledge or consent.”

No coherent attempt was made to offer follow-up information or care.

Over 235 atmospheric nuclear tests and experiments were conducted on roughly 210,000 personnel affiliated to the US Defense Department from 1945-1962. A further 199,000 “were exposed to radiation through work.”

No coherent attempt was made to warn those affected or to offer follow-up medical care.

One of the best known examples of US military human-testing is Project 112, whereby the Pentagon used biological/chemical agents on 5,842 service members in secret trials conducted over a ten-year period (1962-73).

Project 112, and the affiliated Project SHAD, tested everything from Sarin nerve agent to an E. coli simulant aboard Navy ships and in land trials. Tests were conducted in six states (Alaska, Florida, Georgia, Hawaii, Maryland, Utah) Canada and Britain and often without the consent or awareness of those exposed.

Only in 2003, after crucial documents slowly became declassified, did the veterans’ health complaints start to be acknowledged. By then, over 750 Project 112 veterans were already dead.

The Veterans’ Administration still had not notified more than 40% of those used in Project 112/SHAD human testing by 2004. The Defense Department was blamed for foot-dragging in identifying the potentially affected service members and civilians.

### **The battle to receive care**

Wray Forrest knows firsthand about fighting official neglect and denial over human-testing. When his health started to deteriorate, Forrest was forbidden to get medical support: “We could not tell what we were exposed to due to the classification of the project, nor could we seek medical help due to the alleged non-disclosure papers we signed.”

Forrest was discharged from the military in 1982 for health reasons (deemed “unsuitable for service”). He was still unable to talk to anyone about Edgewood Arsenal, so kept his “agreed silence, and took what the military dished out calling me, UNSUITABLE.”

In July 2006, the Veterans’ Administration (VA) released a document on health care eligibility listing Edgewood Arsenal survivors as a Category 6 disability rating, which meant that affected veterans would be eligible for clinical evaluation and “necessary treatment of conditions related to exposure without copays.” But when Forrest called the VA to seek help, he was told that the publication was an error and in fact Edgewood Arsenal veterans have no VA health care eligibility.

“How sweet, they have killed us, buried us, and now they want us to go away,” he concluded.

Forrest is not the only veteran subjected to human-testing who has fought to receive care. Even in well-documented and recent cases, compensation is elusive.

In December 2007, for example, a federal judge dismissed a lawsuit brought by the widows of five veterans who died after being enrolled in fraudulent drug studies at the Stratton VA Medical Center in Albany, NY.

Stratton had been plagued by allegations of research violations from the early 1990s. Then in 1999, the facility hired Paul Kornak to be its Research Coordinator, despite the fact that Kornak had forged his credentials, falsified his college transcript and been arrested in Pennsylvania years earlier for related fraud. Apparently, background checks for health professionals were minimal at Stratton VA Medical Center.

From 1999-2003, Kornak falsified veterans’ medical records at Stratton, inappropriately enrolling them in studies for drug marketability. In 2001, for example, Stratton tested a powerful three-drug chemotherapy combination on Carl M. Steubing, a 78-year-old Battle of the Bulge veteran, despite his previous bout with cancer and poor kidney function.

Steubing died in early 2002. His widow still wonders if the fraudulent human-test studies at Stratton cost her husband his life.

In court, the five widows’ lawyer argued that Stratton “committed every kind of research ethics violation imaginable,” adding [“when you use individuals, humans, as guinea pigs, you do them harm.”](#)

The US government responded by saying there was no way to prove the veterans had experienced pain or died early as a result of the corrupt drug experiments.

Case closed.

## **Open-air testing**

If veterans with solid proof of having been used as test subjects cannot receive compensation, the possibilities are miniscule for service members and civilians used in trials without their consent or awareness.

Open-air testing of chemical and biological (CB) agents is one such case.

After 6,000 sheep died following the apparent release of a nerve agent at an Army facility in Utah in 1969, open-air testing was officially said to have ended in the US.

But the Defense Department's April 2007 report to Congress on ["Chemical and Biological Defense"](#) strongly suggests an imminent resumption.

According to Francis A. Boyle, Professor of International Law at the University of Illinois College of Law and author of the Biological Weapons Anti-Terrorism Act of 1989, at least three passages of the Pentagon's 2007 report indicate a planned continuance of open-air testing. While one section of the document, for example, mentions the use of "live-CB-agent full system test chambers," another passage (page 67) reads: "More than thirty years have passed since outdoor live agent chemical tests were banned in the United States, and the last outdoor test with live chemical agent was performed, so much of the infrastructure for the field testing of chemical detectors no longer exists or is seriously outdated. The currently budgeted improvements in the T&E infrastructure will greatly enhance both the developmental and operational field testing of full systems, with better simulated representation of threats and characterization of system response."

As Dr. Boyle notes, both "test chambers" and "field testing" are mentioned in the report.

In addition, the passage says that improvements in the T&E (testing and evaluation) infrastructure and "better simulated representation of threats" are going to be carried out using "full systems" rather than simulants.

Dr. Boyle says, "It is clear they will be engaging in 'Field Trials' (not in test chambers) of 'full systems,' which means 'live CB agents,' not simulants."

Another troublesome passage from the Defense Department's April 2007 report (page 65) is: "Current T&E shortfalls lie in the full systems and platform test chambers and supporting instrumentation and fixtures. These test fixtures must be able to introduce and adequately control live CB agent challenges and provide a range of environmental and challenge conditions to simulate evolving threats, while performing end-to-end systems operations of CBD equipment."

Dr. Boyle points out that the passage says "full systems" rather than "simulants," and it makes a distinction between "test fixtures" and "test chambers." He adds that talking about "'a range of environmental and challenge conditions' in a test chamber" is nonsensical. "A test chamber does not have a 'range of environmental and challenge conditions.'"

"What they are talking about here," Dr. Boyle concludes, "is testing live CB (chemical and biological) agents in Field Tests - open-air testing, where there will be a 'range of environmental and challenge conditions' to confront, test and verify."

## **Gassing Crystal City**

In May 2007, just one month after the Defense Department's controversial report to

Congress, the Pentagon quietly announced it would release [“a dust simulating a biological attack in the Pentagon South Parking Lot.”](#) The stated purpose was to study “the subsequent clean-up of roadways, people and equipment after the release.”

The announcement cryptically described the “dust” as containing “a harmless inert bacterium found in soil, water and air.”

Kirt P. Love, Director of the Desert Storm Battle Registry (DSBR), a Gulf War veterans’ group dealing with the exposures of the 1991 conflict, repeatedly phoned the Pentagon to clarify exactly what “dust” would be used in the imminent open-air test.

He soon found, however, that “the departments involved were not communicating with each other ... only the people who handled the agent knew anything.”

Love described the situation as “disquieting” and said, “I thought this was very unfair to the Pentagon Police and other innocent bystanders who didn’t need to be kept in the dark about this. How could they conduct an open air test of a microbe and not tell people what it was up front?”

Eventually, Love’s phone calls paid off. A Pentagon representative told him the substance to be tested was *Bacillus Subtilis*, which intriguingly, was also used during the US military’s Project SHAD human testing in the 1960s-70s.

The Pentagon’s announcement was correct in saying that *Bacillus Subtilis* is found in soil. It failed to mention, however, that the bacterium has been linked to pulmonary disease and irreversible lung damage.

The Defense Department quietly carried out its *Bacillus Subtilis* release in early June 2007. A Pentagon spokesperson would not confirm if the roughly 50 test subjects and numerous bystanders had been informed about the possible health risks.

And the open air tests continue.

In the next few days, the Pentagon is slated to release perfluorocarbon tracers and sulfur hexafluoride in Crystal City, Virginia.

Dubbed “Urban Shield: Crystal City Urban Transport Study,” the operation will test the effectiveness of the city’s chemical sensors, and according to *The Examiner* newspaper, [“the data will help the Pentagon and Arlington shape their lockdown policies for chemical and biological attacks or accidents.”](#) Lockdown policies.

According to a Pentagon press release from late February 2008, the study “will involve releasing a colorless, odorless, tasteless, and inert tracer gas that poses [no health or safety hazards](#) to people or the environment.”

But it’s not quite that simple. [Sulfur hexafluoride is a suspected respiratory toxicant](#); as such, exposure in certain amounts may be harmful for those with asthma, emphysema and other respiratory issues. It also is a suspected neurotoxicant, with potential untold consequences for the nervous systems of those vulnerable.

That part is left out of the Pentagon’s press release.

Crystal City is one of the “urban villages” of Arlington County, Virginia. It features upscale offices and residential areas – in other words a lot of civilians. You would think that if the Pentagon is releasing suspected toxicants into such a compressed urban area there would be more warning about potential health risks.

Yet repeated phone calls to the Pentagon yesterday yielded no results. The Force Protection Agency seemed unaware of the upcoming test and the press office was of no help either. No one could – or would – answer basic questions such as how many people could be exposed in the open-air test, if any attempt had been made to brief citizens on potential health risks or if there would be any medical follow-up provided.

### **Perfectly legal**

The Pentagon’s laissez faire approach to these open-air tests raises questions about the possibilities for further testing on the general US population.

There is a tricky clause in Chapter 32/Title 50 of the United States Code (the aggregation of US general and permanent laws). Specifically, Section 1520a lists the following cases in which the [Secretary of Defense can conduct a chemical or biological agent test or experiment on humans if informed consent has been obtained](#): (1) Any peaceful purpose that is related to a medical, therapeutic, pharmaceutical, agricultural, industrial, or research activity. (2) Any purpose that is directly related to protection against toxic chemicals or biological weapons and agents. (3) Any law enforcement purpose, including any purpose related to riot control.

In other words, there are many circumstances under which the Secretary of Defense can test chemical or biological agents on human beings, but at least informed consent has to be obtained in advance.

Or does it. Section 1515, another part of Chapter 32, is entitled [“Suspension; Presidential authorization”](#) and says: After November 19, 1969, the operation of this chapter, or any portion thereof, may be suspended by the President during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President.

Essentially, if the President or Congress decides that we are at war then the Secretary of Defense does not need anybody’s consent to test chemical or biological agents on human beings. Gives one pause during these days of a perpetual “war on terror.”

Ominously, in June 2007, National Intelligence Director Mike McConnell gained White House approval to update a 1981 presidential order on how US spy agencies operate. Potentially up for review in the highly secretive overhaul, referred to as Order 12333, is the topic of human experimentation.

### **A surge in US WMD spending**

The Bush administration has quietly channeled tens of billions of dollars into chemical and biological weapons. Bush’s 2007 budget, for example, earmarked almost \$2 billion for biodefense research and development via the National Institutes of Health alone.

Research aims are often dubious. In October 2005, for example, US scientists resurrected the 1918 Spanish flu, a virus which had killed almost 50 million people. And a virologist in

St. Louis has been working on a more lethal form of mousepox (related to smallpox) just to try stopping the virus once it has been created.

Since the R&D is top secret and oversight limited, the public is rarely aware of escalating dangers. As of August 2007, for example, biological weapons laboratories across the country had reported 36 lost shipments and accidents for that year, almost double the number for all of 2004.

In addition to challenging international non-proliferation agreements and risking a global arms race, the Bush administration's surge in chemical and biological weapons spending raises questions over what deadly weapons may have been tested on populations abroad. And what may be tested domestically, with or without the public's consent.

For Wray Forrest, the battle for government accountability continues: "On September 29, 2006, Congress passed a bill that will inform veterans exactly what they were exposed to, within the next two or three years. I can just see it now: They visit my grave site and post it on my tomb stone, in order to inform me of what I was exposed to and just what exposure caused me to die."

*Wray Forrest and other veterans have put together a DVD on "how our Federal Government treated its troops at not only Edgewood Arsenal, but also at other military installations in the United States of America." For a free copy, send a blank DVD+R and self-addressed postage paid DVD Envelope to: EDGEWOOD RESEARCH VETERAN, 3910 Patrick Drive Apt 14, Colorado Springs, Colorado 80916.*

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