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Who hasn't pondered the terrible irony of soldiers who fought in Iraq or Afghanistan and survived, only to return home and be killed by an army psychiatrist at Ft. Hood? It's hard to grapple with something fraught with such gut-wrenching incongruity. Yet incredibly, a different but equally tragic irony has plagued military families for many years, thanks to a nearly 50-year-old Supreme Court rule known as the "Feres doctrine."

The Feres doctrine prevents military personnel from suing over injuries "incident to military service." That has come to mean not just combat-related injuries (which is understandable) but also harm caused by medical negligence in U.S. military hospitals -- not understandable. In other words, soldiers who return home from war but are later killed in U.S. military hospitals due to incompetent or reckless medical care, have absolutely no recourse.

The stories of medical malpractice at military hospitals are absolutely horrifying. In May, the *Virginia-Pilot* [examined](#) some of these cases, where lawsuits have been barred due to the Feres Doctrine:

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*In 2007, 37-year-old Air Force technical sergeant Cindy Wilson died after giving birth to a healthy baby boy via c-section. Her uterine artery was cut during delivery, causing massive internal bleeding. During efforts to repair the damage, two surgical sponges were left in her stomach. Twelve hours later she was dead.*

*When sailor Dawn Lambert went to have a fallopian tube removed, military surgeons left five sponges and a plastic marking device in her abdomen. They remained there for months until a second surgery left her infertile.*

*For 11 months, Navy Lt. Cmdr. Walter Hardin's red lesions were classified as eczema. His condition was only correctly diagnosed as cancer shortly before he died.*

*Air Force Staff Sgt. Dean Witt's appendicitis was misdiagnosed and he was sent home with antibiotics. When he collapsed at home, he was rushed into surgery and came out brain-dead.*

*Navy Petty Officer Joe Cragnotti went to a military hospital with pneumonia, which is treatable with antibiotics. It went untreated, and he suffered permanent brain damage.*

Jonathon Turley, a law professor at George Washington University and outspoken critic of the Feres doctrine, told the *Virginia-Pilot* that such cases show how it has contributed to "substandard care in the military medical system." Turley indicated "Now it's rare to see that type of malpractice in civilian medicine ... But because there is no fear of lawsuits, it keeps happening in military medicine."

A federal bill [has been introduced](#) by Rep. Maurice Hinchey (D-NY) to repeal the Feres doctrine for medical negligence cases. The bill is named for Marine Sgt. Carmelo Rodriguez, whose cancer was misdiagnosed by a military doctor. In January 2007, CBS News raised some degree of public awareness about this issue with a powerful story about Rodriguez. Correspondent Bryan Pitts [interviewed him](#) minutes before he died:

*At his family's insistence, Pitts and the camera crew stayed. With his body in the very next room, Pitts sat down with his relatives.*

*Pitts asked: "Why have us here for such a painful moment for your family?"*

*"[It was] His wish to have this known, because he doesn't want any other soldier to fight for his country and go through what he had to go through," said Rodriguez's uncle, Dean Ferraro. "To be neglected."*

*"He said, 'don't let this be it. Don't let this be it. Fight!'" his sister, Elizabeth Rodriguez, said. "That's what we're doing. We're gonna fight for him."*

*The "fight," as they call it is over what's known as the Feres Doctrine, a 1950 U.S. Supreme Court ruling that bars active-duty military personnel and their families from suing the federal government for injuries incidental to their service. In other words, unlike every other U.S. citizen, people in the military cannot sue the federal government for medical malpractice.*

In Carlo Rodriguez's memory, let's not another Veterans Day go by with this injustice still the law of the land.