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“1986: The Untold Story”. Who’s Liable for Vaccine Injuries? Without Informed Consent, You Have No Freedom

Many people don't realize that if you or a loved one are injured, or worse, die from a vaccine, you have no recourse. If you incur medical bills, you're on your own to pay them.

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In the video above, Del Bigtree with The Highwire interviews Barbara Loe Fisher, cofounder and president of the National Vaccine Information Center (NVIC), about the National Childhood Vaccine Injury Act of 1986 (NCVIA), which she pioneered. Unfortunately, the law has not lived up to its initial purpose, and has instead allowed the drug industry to become the most influential industry on earth.

In this interview, Fisher tells the untold, behind-the-scenes story of how this law came into being, how it has been bastardized, and “the betrayal that paved the way for vaccine manufacturers to secure immunity from liability for their products, opening the door for the complete capture of the agencies charged with regulating the vaccine industry and protecting the public trust.”[1]

Who’s Liable for Vaccine Injuries?

As I’ve reported on numerous occasions over the past four years, the COVID-19 mRNA shots are the most dangerous “vaccines” ever rolled out. Who’s paying the medical expenses incurred by the hundreds of thousands of Americans injured by these shots?[2]

Common sense might tell you it ought to be the vaccine manufacturer, but you'd be wrong. As noted by Ken Paxton, attorney general of Texas, they have "special protection through the federal government."

This liability protection was granted because the insurance industry argued they were too dangerous to insure, and the drug companies threatened to stop making vaccines altogether unless they were protected from lawsuits.

So, the truth is, no one can be held liable for vaccine injuries in a U.S. court of law — not the manufacturer, not the distributors or the medical providers, and not the government, even when it mandates the shots. And that's precisely the predicament that the NCVIA was supposed to prevent.

The NCVIA, passed into law in 1986, established a federal "no-fault" system to compensate victims injured by mandated childhood vaccines. In her 1985 book, "DPT: A Shot in the Dark," coauthored with medical historian Harris Coulter, Ph.D., Fisher details the struggle to get the NCVIA passed.

Her son was 2.5 years old when he had a bad reaction to his third DPT vaccine, ultimately resulting in his being diagnosed with mild brain damage, multiple learning disabilities, ADD, dyslexia, fine motor skill delay and severe auditory processing deficit. In the interview, she details what his initial reactions looked like, how they started and how they progressed.

His injury is what drove her to become an advocate for vaccine injured children, and to push for legal protections. As explained by Fisher, the bill was originally intended to not only help children damaged by vaccines with their lifelong medical expenses, but also to "institute safety reforms in the mass vaccination system" to "prevent future vaccine damage."

> "When parents don't have the right to say no to vaccines that are highly reactive, we have no way of putting economic pressure on the system to bring in a safer product," she says.
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> "Parents ought to have the option to become fully informed about the vaccine and the disease, and then make a choice, including choosing whether or not their child will have the disease and have permanent immunity versus temporary immunity.
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> Parents have got to take responsibility for making these decisions in conjunction with their doctor … Obviously, the system has failed us and we have to take responsibility, become educated, and then in the end, we have to make that decision, and live with that decision. I believe that a society that has mandated a vaccine has the responsibility to provide for these children who have given their lives."

How the NCVIA Came to be

Some politicians are now proposing getting rid of the NCVIA altogether, but this would be a serious mistake, Fisher says. But why? It's clearly not working, so why not get rid of it, and with it the legal protections enjoyed by the vaccine manufacturers? Fisher explains:

> "There's a lot of myth that has grown up around that Act and what it really was, what it was intended to be; what happened. So I welcome the opportunity to set the record straight."

Fisher tells the story of how she ended up meeting two other parents — Kathi Williams and Jeff Schwartz — whose children were severely damaged by the DPT vaccine and how they joined forces to lobby for the creation of a bill that would protect children from the horrors they'd experienced first-hand.

Williams was in charge of organization, Schwartz, an environmental law attorney, negotiated with representatives on the Hill, and Fisher was a medical writer. The trio first met in April 1982, and within weeks, they agreed that there needed to be a congressional investigation, as there was no oversight on vaccine safety whatsoever.

> "The first thing we wanted [was] a safer pertussis vaccine … a purified pertussis vaccine, because I already had found out from the literature that Japan had been using a purified acellular pertussis vaccine for a couple of years … and it was far less reactive than the whole cell pertussis vaccine.
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> We wanted information given to parents by doctors that would tell them how to recognize a vaccine reaction. We wanted the doctors to have to write down, in the child's medical record, the manufacturer's name, lot number, any reactions that occurred … We wanted research done to look into creating safer vaccines and finding out why some kids are vulnerable to vaccine reactions."

Vaccine Makers Demand Liability Protections in Wake of Lawsuits

Democrat congressman Dan Mica, whose nephews had reacted to the DPT shot and were severely brain injured, and Republican Sen. Paula Hawkins, known for her interest in child health, held the congressional hearings. In all, there were more than a dozen hearings during the 4.5 years that the bill was being negotiated, and Fisher, Williams and Schwartz testified at most of them.

The 1982 documentary "DPT: Vaccine Roulette" had sent shockwaves through the country, awakening parents to the idea that childhood vaccines may not be safe. The congressional hearings added fuel to the fire, and parents were lining up to sue the makers of DPT vaccines.

The vaccine makers approached Congress saying they were being ruined by all these lawsuits and threatened to stop making childhood vaccines for sale in the U.S. unless they were granted liability protections.

> "Here's how it happened," Fisher says. "The vaccine stakeholders, that would be medical trade, that would be [American] Academy of Pediatrics and the vaccine manufacturers. At that point, there were four vaccine manufacturers in this country. Wyeth, Lederle, and Connaught were producing DPT vaccine. Lederle was a sole source for oral polio vaccine. Merck was a sole source of MMR vaccine. [There were] seven vaccines.
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> Just so people know, Lederle is now part of Pfizer. Connaught is now part of Sanofi, Wyeth is now part of Pfizer, and of course we have Merck. Merck was on the sidelines on this. Nobody was looking at them, but we had polio vaccine lawsuits. There were some very important polio vaccine lawsuits, and of course DPT.
>
> So what do the manufacturers do? They say 'We're going to leave the country without any vaccine.' And Congress said, 'We've got to protect the vaccine supply in this

country.'

And they said to Jeff [Schwartz], 'You can come to the table and fight for what you think the parents and the children should get, or you can not come to the table, but we're going to pass this legislation to protect the vaccine supply, and we're going to do it with or without you.'

We had to fight for what we thought the children and the parents should get, and we tried our best, coming up against the government, the administration. This is 1982. From the very beginning … they were going to protect the vaccine supply … So we said we'll come to the table, but there is three things.

We will never agree to complete liability protection for doctors or for manufacturers. No. 2, if you're going to protect the vaccine supply, you have to protect the children by safety provisions … Equal emphasis. And third … if there's going to be a federal compensation program, it has to be an alternative to a lawsuit.

In other words, parents can choose to either go to court or they can choose to get compensation … [and] if there's a compensation program, it has to be fair, expedited, less traumatic, less expensive, more predictable than a court.

And remember, back then, doctors weren't keeping records. They were giving kids shots, they weren't even saying what manufacturer it was. If you couldn't prove what manufacturer it was, you couldn't sue them. Same with doctors. They were destroying medical records and you could never prove that the vaccine was given that day, and the kid had those reactions. Records were disappearing all over the place.

They weren't reporting reactions. There was two ways to report. Public health clinics reported to the CDC, private doctors reported to the FDA. Manufacturers are supposed to report to the FDA. So we said 'You've got to centralize the reporting system. You've got to make it open and transparent so parents can report too.

You've got to have a safety part of this law, and the compensation has to work properly, because if the compensation system doesn't work properly, you put no pressure on the companies. Keep the liability for the companies because then it forces them to make a better [product].'"

Blaming the Victims

By 1984, after two years of negotiations, the original bill, S. 2117, was introduced. It was written by Schwartz and the AAP. It contained all the things demanded by the NVIC and did not provide liability protection for the companies or the doctors.

All the safety provisions were in there, including the requirement for true informed consent in the form of a 15-page parent booklet that described the disease and possible complications thereof, as well as the potential complications for each vaccine. Fisher participated in the writing of that original parent information booklet. After the bill was passed, that booklet was boiled down to a single page.

"So, we're in '82, '83, '84. What did the companies start doing? Wyeth says, 'We're dropping out. We're not going to make any more pertussis vaccine.' Causes a vaccine

shortage. They go to Congress. 'You need to protect us from liability.'

It was brought out in hearings on Capitol Hill that all three manufacturers are manufacturing this vaccine [but] Connaught is stockpiling it. Wyeth is selling it to Lederle, and Lederle is distributing it for Wyeth. Connaught made it very clear that they will not distribute what they have until the Congress passes legislation absolving them of all financial liability for vaccine damage.

Then we got whooping cough outbreaks, [which were blamed on] parents complaining about this vaccine … They start to raise their prices. At one point it was like a 10,000% price increase on pertussis vaccine. They did everything to put pressure [on Congress], the media carried the stories and everybody blamed us.

What happened was that we broke with the AAP over this issue … because they put out a press release saying that eight states had whooping cough epidemics. This is in '85. And it was all because of this false information being put out about pertussis vaccine risks …

I did an investigation. I contacted the health departments of the states and asked them for their cases, which cases were lab confirmed, which were fluorescent antibody confirmed, which were epidemiologically linked, and I did a full report. And I realized that over half of the people were vaccinated; that we had a problem with the effectiveness of this vaccine, not just the safety of the vaccine.

Well, they were furious. And the other thing was, 'DPT: A Shot in the Dark' was published in December 1984, and we had a big press conference on Capitol Hill in February 1985 … which was another shot across the bow.

I mean, it was the first time anyone had really documented and made the argument that the mandatory vaccination system was broken and that this vaccine was very dangerous and had been allowed to not be improved for all these years."

The Betrayal

So, by the mid-1980s, "DPT: A Shot in the Dark" was causing public outrage, vaccine manufacturers were fighting lawsuits brought by the vaccine injured, the price of DPT vaccines were skyrocketing, there were vaccine shortages, whooping cough epidemics were flourishing, and bills were being rewritten.

When the break with the AAP happened in 1985, congressman Henry Waxman, who had initially fought for the rights of parents and railed against government guaranteeing profits to the drug industry, suddenly put forth a bill that granted vaccine makers immunity against lawsuits provided they complied with FDA standards, eliminated most of the original safety provisions, and restricted compensation.

"The drug manufacturers loved it. We opposed it. Jeff said it does more to protect the drug company bottom line than it does to protect health of children.

We also did an investigation into what the drug companies were telling the Securities and Exchange Commission about their liability problems versus what they were telling Congress and the public and the media, and we found that they were telling the Securities and Exchange Commission that they had no problems with these lawsuits,

that it wasn't materially affecting them.

So they were crying liability all the way to the bank, is what they were doing. And so we continued to come up against this opposition on this bill in the various incarnations, by the administration, the drug companies, and now the AAP was not playing well in the sandbox. So when Waxman did this and we blasted him, all of a sudden everybody said, wait a minute, this is all going south, we've got to do something.

And so they went back [and] created legislation that had a lot of the stuff that we wanted. The clock was ticking, and a bill was put together that we were able to support.

We had to give up some things, but we never agreed to full liability protection for the doctors or for the manufacturers. But we could not get past the administration. The administration refused. And the person who held it up the longest was attorney general Ed Meese from Justice.

He didn't want any lawsuits. The whole thing was about no lawsuits. They didn't want anybody to be able to sue manufacturers for vaccine injuries and deaths.

The argument that was made by the manufacturers from the very beginning was, 'The FDA licenses the vaccine as safe and effective. The CDC recommends the vaccine for universal use by all children. The states mandate the vaccine for school entry. We should not be liable for vaccine injuries and deaths.' And they never gave that up. And they never have."

The NCVIA Was Gutted as Soon as It Was Passed

When the 1986 Act was originally passed, vaccine makers were still on the hook for design defects and doctors could still be sued for medical malpractice if they didn't fulfill the requirements of the law, which included providing parents with informed consent, recordkeeping and reporting side effects to the Vaccine Adverse Event Reporting System (VAERS), jointly run by the FDA and CDC.

As noted by Fisher, the implementation of VAERS was "a remarkable accomplishment." Not just doctors and manufacturers could file reports but also parents. The public could also view the injury reports.

Many do not realize this, but health care providers who administer vaccines are REQUIRED by the NCVIA to report adverse events following vaccination. The problem is there's no punishment for noncompliance with the safety provisions. This is why vaccine side effects are underreported by anywhere from 90%[3] to 99%.[4,5]

The NCVIA also included an alternative administrative compensation program to provide parents with rapid compensation without having to go through the court system.

"That compensation system, if it worked the way it was designed to work, would do two things," Fisher says. "It would protect the vaccine supply because people would go for federal compensation. They wouldn't sue the manufacturers, they'd go for the sure thing. I thought it was an intelligent and rational compromise …

The thing that breaks my heart [and] makes me so upset is that after the law was

passed, they immediately gutted it. Congress, with amendments, HHS with rulemaking … justice is their legal arm … gutted the safety provisions, they gutted the compensation provisions.

We had created a table of compensable events for the seven vaccines … the symptoms of a vaccine reaction and the injury that could occur within certain time periods. If you fit that table, you could have automatic compensation. It was something to help facilitate compensation.

What's one of the first things they did? They gutted the table of compensable events. They took residual seizure disorder off as a means to automatic compensation … They just did what they wanted to. Who was going to tell them no?

And what's the most severe on that table? Encephalopathy. They rewrote the definition of encephalopathy with a definition that you cannot find in the medical literature. A definition that's so strict that my son, even though he was out for a total of 18 hours … wouldn't qualify for because he was not unconscious for 24 hours.

They rewrote the definition of the most serious adverse event to deny those children compensation. So when I look back over my documents and the history, it's so clear to me. They wanted to protect the companies from liability.

It was a huge betrayal of the trust that we put in government, that we put in the people that we came to the table with, even though we knew we were at odds with each other. I at least thought that Congress would provide oversight on that law along the way.

I testified in several hearings in Congress after the law was passed, in 1999, most notably, on hepatitis B vaccine, when they in '91 made that a newborn recommendation and for all teenagers.

The National Vaccine Information Center has received hundreds of reports of injuries and deaths following hepatitis B vaccination. There's a clear pattern to hepatitis B vaccine reaction symptoms. There are families with two or three members who have become disabled after hepatitis B shots. Tragically, for newborns and babies under two months of age, a hepatitis B vaccine reaction can end in death …

So when I look back, I say, who do you trust? Who can you trust? You only really can trust your own ability to intellectually look at information, try to find the information, the most that you can, and to be able to have the legal ability to make a choice without being sanctioned for the choice that you make.

There is no justice in the compensation program. It's a cruel joke. It's a poor imitation of a court trial, in Washington, DC, in the US Court of Federal Claims. The better the case, the longer it takes."

Manufacturers Got Their Way

As mentioned, when the 1986 Act was originally passed, vaccine makers were still on the hook for design defects, and they were none too happy about it. So, it didn't take long before that provision was erased as well.

As explained by Fisher, they argued that without a government standards defense, "a

devastating number of claims could be brought against U.S. manufacturers on the grounds that there are other safer, better or more technologically advanced DPT vaccines available."

In short, vaccine manufacturers didn't even want competition to prevail. They didn't want to have to compete with companies that could make a better, potentially safer, product. So not just one but two market forces were removed: liability and competition.

In 2011, in the case of Bruesewitz versus Wyeth (a design defect case), the Supreme Court argued that Congress intended to give companies design defect protection, yet the history of the Act clearly shows that was never the case. "The history of the law shows that is not true. That was a tragic miscarriage of justice," Fisher says.

Why the Cover-Up?

In a relatively short amount of time, the 1986 Act was stripped of its safeguards through a slew of amendments. Design defect liability was removed. Medical malpractice was removed. Compensations were lowered. Why? Because every incidence of liability and financial award is an admission that vaccines can cause harm.

> "That's been the biggest problem," Fisher says. "Nobody wants to acknowledge the extent of the problem with vaccine injury and death. So it's minimize, cover up, deny.
>
> Why should the companies get protection for failure to make a safer vaccine? Why should negligent doctors be protected from medical malpractice lawsuits? Why is nobody who makes profit from, develops, regulates, makes policy for, and mandates vaccines, why is nobody accountable in a court of law in front of a jury of our peers? There's no other product that has that kind of protection."

Bigtree comments:

> "People are like, 'What is the motive, why would they be covering this up?' And I say, it's simple. You have a product that everybody has to take in order for it to work. It's not like a drug. It doesn't just handle the person that's sick. Everyone else in the world has to take it. So the confidence in the product has to be 100%. It has to be 100% because we want 100% of everybody take it …"

Dr. Bernadine Healy, former director of the National Institute of Health, also basically admitted that fear of creating "vaccine hesitancy" is placing vulnerable children and adults in harm's way even though we could protect them:[6]

> "This is the time when we do have the opportunity to understand whether or not there are susceptible children, perhaps genetically, perhaps they have a metabolic issue, mitochondrial disorder, immunological issue, that makes them more susceptible to vaccines, plural, or to one particular vaccine, or to a component of vaccine, like mercury.
>
> The fact that there is concern that you don't want to know that susceptible group is a real disappointment to me. If you know that's susceptible group, you can save those children. The reason why they didn't want to look for those susceptibility groups was because they're afraid that if they found them, however big or small they were, that that would scare the public away."

Without Informed Consent, You Have No Freedom

The interview, which is over two hours long, covers more details than what I've included here, so I encourage you to listen to it in its entirety. In closing, as stressed by Fisher and Bigtree, the right to physical autonomy, the right to make medical decisions for ourselves, underpins all human freedom.

> "The choices that we make in this life about risks that concern our physical body or the bodies of our children are among the most important choices that we make, because our physical body houses our mind and our soul. And if we can't make choices about our physical body, protection of bodily integrity, autonomy, we're not free in any sense of the word," Fisher says.
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> "I always quote Albert Einstein who, in the 30s, risked arrest to say something like 'Never do anything against conscience, even if the state demands it.'
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> And the quote that I'm probably known for most is, 'If the state can tag, track down and force individuals to be injected with biologicals of known and unknown toxicity today, then there will be no limit on which individual freedoms the state can take away in the name of the greater good tomorrow.'"

Bigtree agrees, saying:

> "If you do not control your body and the government can inject you, just like the farmer injects his cows and his pigs, then you are a farm animal … you're not a free person. And that's why I will fight this till the day I die. This is the most important issue, I think, [for] humanity."

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