

## **Testimony**

**of**

**Captain Daniel Wayne Marohn**

***To the Government Reform Committee***

***Hearing on Anthrax Vaccination Immunization Program:***

***What Have We Learned?***

***October 11, 2000 10 a.m.***

This testimony is not just an account of what has happened to me, personally, but a reflection on what is occurring to thousands of military members in the United States. I come here today to speak for all of those who live day to day wondering if they have been made into proverbial "guinea pigs" by an institution that they trusted with, and would have given, their lives for. I come here today to speak for those that reluctantly submitted to a controversial vaccination because they felt they had no other option.

I am not here to slander or assassinate anyone's character. My testimony will neither embellish nor contain false information or half-truths. My intention is to convey to you the effects that the Anthrax Vaccination Immunization Program (AVIP) is having on our troops on a day to day basis.

I was an F-16 pilot at the 163 Fighter Squadron in Fort Wayne, Indiana. I had pursued a pilot slot at Fort Wayne for 5 years before being selected "off the street"--a civilian with no previous military flying experience. I was known as a hard worker, a good pilot, and a quality officer—which my performance reports and awards and decorations reflect. I was a 4-ship flight lead, qualified in all squadron missions, part of the initial cadre of Night Vision Goggle (NVG) pilots, and was selected to upgrade to instructor pilot (IP). I had also been in charge of the training shop as a full-time guard technician before I resigned to take employment at a major airline.

When I refused to submit to the AVIP, I was grounded, given the choice between a court-marshal or an Article 15, fined and threatened with 330 days in jail if I did not pay the fine. Many others, not only in our squadron, but in the Wing as well, did not submit to the order to take the vaccine. Most resigned. Some transferred to finish out to retirement. But a few of us were under commitments from training and had no option but to face punishment as directed by the Adjutant General of the State of Indiana.

The chronology of events that led to my testifying today is this:

In March of 1999, we were made aware that we would deploy as part of the Air Expeditionary Force (AEF) and would have to take the anthrax vaccine. Some of our pilots learned, through the grapevine, that several pilots in Connecticut had resigned over concerns about the vaccine. Closely eyeing the

ensuing controversy, we felt compelled to seek out all information that we could find relating to the vaccine.

On 17 April 1999, over a drill weekend, Dr. Meryl Nass, an acknowledged civilian expert on anthrax, gave a presentation and explained her thoughts and concerns on the vaccine and the AVIP. It must be noted that she was not allowed on base and our flight surgeons were encouraged not to attend her briefing. No fewer than 50 people from the base attended—over half of those were enlisted personnel. After her briefing we felt compelled to step up our research on the vaccine and the implementation of the program.

Our squadron received the verbal order to comply with the AVIP on 05Dec99. The policy letter was too ambiguous concerning what action would be taken against those of us under a commitment that refused the shot. Three of us wrote a letter to our Ops Group commander (OG/CC) requesting clarification. The response letter, dated 20Dec99, still did not make clear if we would face punishment or not.

In the first or second week in January 2000, I received a call from my OG/CC telling me that he need to know if I was planning on taking the shot. I told him that I would probably not take it, but I would give him my final decision by 13Feb00, the deadline to decide. About that time, I received the written order to comply, which was dated 08Jan00. The order, once again, said that violating the order “may” result in punishment.

On or about 09Jan00, anyone that had not give a response leaning toward the affirmative was grounded. I was told that this action was taken to “save our resources for the guys that are going to take the shot and deploy.” This occurred about a month prior to the deadline.

13Feb00--I did not submit to taking the shot.

Later that month, in a conversation with the OG/CC, I was asked to reconsider my decision. He also told that whatever happened to us would be decided by State not Fort Wayne—The Adjutant General’s (TAG) decision. I told him that in light of the current state of the program and the controversy surrounding it, it was too much of a risk to my health. As a commercial pilot, my livelihood depended on my medical certificate. If anything should medically disqualify me, that would be the end of a very good career not to mention that it would be devastating to my family.

On 07Jun00, I received a letter from the Assistant Adjutant General for Air (AG/Air) ordering me to appear in his office on 24Jun00. No specific reason was given, but I gathered it was in regard to my refusal to take the shot. The other pilot with a commitment that refused the shot called to tell me he had received the same letter later that day.

The two of us reported as ordered on 24Jun00. As we were waiting, our appointed legal counsel showed up and introduced himself. In talking with him we found out that he did not know for sure what the meeting was about, but had been called to be present. He briefly met with the JAG and came in to tell us that we were going to be charged with failure to obey the order of a superior officer and would be offered the choice of a court-marshal or an Article 15. Having only limited knowledge of either one we asked if he could explain the meaning and ramifications of each. He asked the JAG and AG/Air if he could have some time with us before we reported. They agreed. After a lengthy conversation I reported, was read the charges against me, and asked to decide. Still not having

a clear picture of how accepting one over the other would affect me, I asked for, and was given, more time with counsel. After more discussion, I felt I had no choice but to accept the Article 15. I left HQ with an Article 15, a fine of 2/3 one month's base pay (suspended for 30 days) and the feeling that I had, somehow, I had just been railroaded into something I shouldn't have been. The other pilot opted for the same punishment for the same reasons.

20Jul00—One of the girls in Operations, whose specialty is airfield management, receives an e-mail from an airfield management information distribution contact, containing the memo calling for the slow down of the AVIP due to shortages. Because she is under no obligation to disseminate the memo, she sends it only to a few people whom she thinks might be interested. Nothing else involving the slowdown is ever mentioned on base other than what people heard in news publications. Within days of this "temporary slowdown", 2 pilots "rehabilitate" and agree to take the shot and return to flight status. Because of the current policy they are not required to take the shot, but are asked to volunteer to take the shot so our squadron can attempt to get a waiver. Both decline—stating current policy guidelines—and continue to fly.

On 08Sep00 I received a letter from State HQ stating that I was in violation of the suspension of the fine for not taking the shot before 24Jul00 (8 days after the program slowdown memo was dated). Therefore, I was to make arrangements to deliver the fine to my commander or face incarceration in the county jail for one day for each dollar of the fine (\$329.12).

On 10Sep00, I asked my SQ/CC and OG/CC if I could have some time, before I paid the fine, to discuss with legal counsel if my punishment would be affected by the policy change. The OG/CC agreed.

I finally was able to speak to my legal counsel on 26Sep00 about my situation. I explained that on 17Jul00 the program became such that unless I deployed to SWA for more than 30 days, I was not eligible to receive the shot and 2 pilots were now flying without having taken it. Since I had until 24Jul00, would this affect my punishment. He said it was an interesting case, but he didn't know. He suggested that I write my commanders asking for a total review of the punishment and asking for them to rescind the Article 15 and the fine. To date, I am still waiting to hear a response.

The AVIP has had a negative effect on our base as a whole. Moral is low and will be slow to rebuild. It left a huge vacuum of experience with the mass exodus of pilots that put their military career second to principle. But looking beyond our unit, where will we be in the future when it's time for others to deploy and more personnel make the same stand? People may question my patriotism and my fitness as an officer for refusing to obey the order to take this vaccine, but I signed on the dotted line to give my life for my country in battle, not for a poorly thought out, badly implemented, and totally unnecessary policy. I am, however, more than willing to fall on my sword and sacrifice my military career, even for those that criticize me, if it prevents one more person from falling ill to this shot.

Many in our military are living in fear. Here are some quotes that most of our ranking officials will not hear: "They are fearful of being forced to put something in their bodies that may cause a chronic medical condition that our government will probably refuse to accept responsibility for." "What can I do? If I say no I'll be forced out and have to start all over again in an entry-level position. With fifteen years in I can't afford it so I'm stuck." "Yeah, I really trust our government on this one. I get the same warm fuzzy when I think about their

radiation and LSD experiments. I bet their statistics were right on track with those guys, too." "This whole thing is so stupid. I'm not even going to (SWA) and I have to take the shot. Like someone's really going to anthrax Ft. Wayne, Indiana. What a waste."

Many feel they have no choice but to shut up and take the shot, because none of their commanders will listen anyway. Troops with a leader willing to take a stand against this program will be short one good commander. Careerism over good leadership and integrity is eroding our military. Everyday more and more troops lose trust in our institution.

Our leadership has been living in denial over the effects of this shot. People are suffering from real afflictions after having received it. We keep hearing how statistically they would have developed these symptoms regardless of having taken the shot. How many more have to suffer before the numbers finally add up? People are being told these afflictions are not related to the vaccine and they have been reading too much about it on the Internet. I, along with all of those that have been told this, would like to see the scientific methods used to determine such unequivocal diagnosis.

In conclusion, the Anthrax Vaccination Immunization has already resulted in the loss of more personnel than the very thing it was designed to protect them against.