

PAT ROSS
TESTIMONY BEFORE
GOVERNMENT REFORM COMMITTEE
OCTOBER 11, 2000
10:00 A.M., 2157 RAYBURN

Good morning Mr. Chairman and members of the committee. I am here at the request of the committee to highlight the loss of combat mission ready pilots and aircrew caused by the Department of Defense Anthrax Vaccine Immunization Program. I believe I am qualified to address this subject based on my graduation from the United States Air Force Academy, my 16 years as a fighter pilot in the active duty Air Force, and my 3 years in the Air National Guard. Most recently, I was the Squadron Commander of the 172nd Fighter Squadron, Battle Creek, Michigan, flying the A-10 Thunderbolt II. During my tenure as Squadron Commander, I was honored to respond, with my squadron, to a Presidential Selective Reserve Call-up in support of Operation Allied Force over Kosovo. For our efforts, the 172nd Fighter Squadron was recently honored as the Outstanding Air National Guard Fighter Squadron of 1999 by both the National Guard Association of the United States and the Air Force Association. However, less than a few months after earning these awards, I was directly involved in the process that played out over a six to eight month period resulting in the loss of almost 50% of the combat pilots in my unit. I will not only address these losses, but the on-going punishment and coercion of members of the Air National Guard who have refused to voluntarily submit to receiving the anthrax vaccination, particularly at Battle Creek, Michigan.

In the interest of saving time, I will not list here the chronology of events and policy changes that my unit went through from September of 1999 until today. Rather, I refer you to my written testimony and the previous testimony to this committee by Major Russell Dingle and Major Thomas Rempfer in March and October 1999, concerning the loss of 25% of the combat pilots in the Connecticut Air National Guard. With an almost uncanny accuracy, that same chronology, coercion, threats of punishment and lack of integrity witnessed by the Connecticut officers, occurred at Battle Creek, exactly one year later. The bottom line for my squadron, as directed by the 110th Fighter Wing Commander, was you either volunteer to take the anthrax vaccination or you must leave the unit. The 110th Fighter Wing Staff Judge Advocate stated that any member, who refused to take the shot, would be administratively discharged with a Less than Honorable discharge. To this day, not one pilot at Battle Creek was ever ordered to take the anthrax vaccine.

While the threatened deadline changed several times from January to March 2000, pilots began resigning, transferring or stating their intent to retire, as early as November of 1999. When the final retirement is effective at the end of this year, 15 pilots will have been coerced to leave the unit in order not to disobey an order that was never given. Add to those losses two current members of the 172nd Fighter Squadron who are grounded, and are being threatened with punitive action, simply for not volunteering to take the anthrax vaccinations that are no longer required by DOD policy. That brings the total number of pilots, that the American taxpayers spent millions of dollars to train, and whose Operations Desert Storm and Allied Force combat experience cannot be replaced, to 17 pilots at Battle Creek.

The effects of the anthrax vaccine immunization program on my unit are, unfortunately, not unique. As I stated earlier, the Connecticut ANG lost 8 pilots. Other losses around the Air National Guard include 21 pilots of the Indiana Air National Guard, 7 pilots of the Wisconsin Air National Guard, 22 pilots from the Tennessee Air National Guard and 19 pilots from the Oklahoma Air National Guard. Losses in the Air Force Reserve include 58 pilots from Travis AFB, California, 60 pilots at Dover Air Force Base, Delaware, 30 pilots at McChord AFB, Washington and 20 pilots at McGuire AFB, New Jersey.

These losses, totaling over 260 pilots, at over \$1 billion dollars in training costs alone, are from just 12% of the units in the Air National Guard and Air Force Reserve. That's an almost 10 fold negative return on the total cost of the AVIP program to date. None of these losses have been reported to the Congress, as directed to MGen. Weaver by Representative Shays, during testimony to his subcommittee in April of 1999. In addition, Assistant Secretary of Defense Cragin also testified that no one would be punished if they chose to leave the Guard or Reserve. Not only are two members of the Michigan Air National Guard being punished, but also two members of the Indiana Air National Guard, who are being threatened with jail time.

While I have focused on the pilots of the Air National Guard and Air Force Reserve today, I would be deeply remiss if I did not mention the men and women Non-Commissioned Officers that have also been coerced into leaving or are being punished as well. As the backbone of our Armed Forces, these men and women are the true strength of the United States military. In many cases, they are bearing the brunt of the illnesses, administrative punishments, fines and less than honorable discharges.

Why have all these individuals left the Air National Guard and Air Force Reserve rather than take the anthrax vaccine? I believe it simply boils down to one word, trust. They feel they can no longer trust the leadership when they say that the vaccine is safe and effective. They feel they can no longer trust the leadership that if they should become ill due to the vaccine that they will be taken care of by the country they are prepared to give their life for. They feel they can no longer trust the

leadership when they are told to get educated and research the issues and then make their own personal decision, with no retribution. The actions of the leadership are in direct conflict with their statements to the troops, and to Congress.

Morale has always been crucial to providing the overwhelming margin of victory for our Armed Forces during the conflicts we have fought and won throughout our history. The anthrax vaccine immunization program is having an extremely adverse effect on morale and retention, and for the good of the United States Armed Forces, the program should be halted until the concerns of the Congress are satisfactorily addressed, and a safe and effective source of vaccine can be assured.

On behalf of the men and women who keep this great country of ours free, I thank you again, Mr. Chairman, and members of the committee, for your concern.

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September 1998: 12 members of the 110th Fighter Wing (FW) receive the first anthrax vaccinations at the base to deploy voluntarily to Qatar.

November 1998: 110th FW personnel deploy to Qatar.

January 1999: 8 combat pilots from the Connecticut Air National Guard (ANG) resign rather than take the anthrax vaccine.

March 1999: 9 of the 12 110th FW members report being ill following their 4th anthrax vaccination in the six shot series. Information concerning the existence of their illness is kept quiet from the remainder of the 110th Fighter Wing. Discussions begin concerning the future participation of the 172nd Fighter Squadron (FS) in the upcoming Aerospace Expeditionary Force (AEF) 7 deployment in the summer of 2000.

May 1999: 15 pilots and over 150 other personnel from the 110th FW respond to a Presidential Selective Reserve Call-up (PSRC) and deploy to Trapani AB, Italy in support of Operation Allied Force/Noble Anvil. Members from the Massachusetts and Idaho ANG combine with the Michigan ANG to form the 131st Expeditionary Fighter Squadron, the only ANG fighter unit called up to perform combat operations over Kosovo.

July 1999: Personnel and aircraft redeploy from Operation Allied Force having flown more than 800 hours of combat operations around the clock in Kosovo.

August 1999: Chief of Staff of the Air Force, General Ryan, states the Air Force needs time to reconstitute forces following Operation Allied Force. Questions arise as to the timing of the start of the AEF cycle and 172nd FS participation following the deployment to Kosovo. Information suggests the deployment cycle may slip up to six months.

September 1999: Air Force announces the start of the AEF cycle will begin as scheduled on 1 Oct 1999. ANG Wing Commanders meet in Omaha, NE to discuss participation of all units in the AEF cycle. Massachusetts, Idaho and Michigan commanders try to remove their units from deploying in the summer of 2000 due to the operations tempo from Operation Allied Force and the anticipated effects on retention of beginning the anthrax vaccinations in their units. Wing commanders from Maryland, Connecticut and Pennsylvania do not want their units to be substituted since they had just returned from duty in Operation Southern Watch (SWA) from February-April 1999. MI ANG and VA ANG F-16 units not assigned to specific AEFs volunteer to augment MI, ID and MA ANG A-10 units in AEF 7 to reduce the number of pilots required from the A-10 units.

September UTA, 1999: All 172nd FS pilots are informed of the upcoming AEF 7 deployment and the requirement for the anthrax vaccinations in order to participate. Participation in the deployment will be voluntary since there will not be a PSRC as with Operation Allied Force, as directed by MGen Weaver. Required number of pilots and specific dates of deployment are not known, but it is anticipated each pilot will spend two weeks in theater. Augmentation by the F-16 units is announced and a volunteer sign-up sheet is posted.

October 1999: Representatives of the VA ANG F-16 unit visit the deployment location in SWA and determine the mission is "beneath them". They complain to ANG HQ and are moved from AEF 7 to AEF 8, with deployment now to Operation Northern Watch (ONW), no longer requiring their unit to receive the anthrax shots. MI ANG F-16 unit follows suit. Meetings begin to formulate the schedule to accomplish all training requirements for the deployment. Deployment date for the 110th FW is determined to be August 2000. The Operations Group and Logistic Group Commanders formulate dates for the beginning of the anthrax vaccinations. January 2000 Unit Training Assembly (UTA) is targeted to coincide with the beginning of Department of Defense (DOD) Phase II implementation of the Anthrax Vaccine Immunization Program (AVIP).

October UTA, 1999: 172nd FS pilots are informed that the unit must now provide the entire requirement for pilots and aircraft for AEF 7. This will require all of the 36 pilots at Battle Creek to volunteer for the deployment and be required to take the anthrax vaccinations. Morale plummets on the news. Sign-up sheet contains no volunteers.

November 1999: Operations Group commander sends every pilot a letter informing them of the requirement for all pilots to begin anthrax shots in January 2000. Questions arise concerning

the ability of pilots to resign rather than disobey an order to take the shots. All full-time pilots are told they are expected to participate or leave the unit. Pilots are told those without commitments have until January UTA to decide before being ordered. Those pilots with commitments will have no choice but to take the shot or disobey an order to do so. Those who disobey the order will be reprimanded and discharged administratively with a Less than Honorable discharge. Pilots requested information to explain the program and rumors of potential illnesses to unit members caused by the shots. They are told no information concerning any potentially sick individuals at Battle Creek, MI can be provided due to privacy concerns. Mistrust of the leadership begins to take root. The first 172nd FS pilot resigns. Two DOD speakers are scheduled to speak at the December UTA. Volunteer sign-up sheet is taken down with three names on it.

December UTA 1999: The Operations Group commander informs all pilots that in order to have the correct amount of vaccine on hand for the January UTA, they must formally make their decision to take the shot by the end of the weekend. Chaos erupts because of the gravity of the decision required in such a short time frame. 172nd FS Commander intervenes to the 110th FW commander to delay the mandatory order to allow time for the pilots and spouses to digest the briefings of the weekend. Wing Commander is informed of the possibility of up to 50 % of the pilots leaving. Wing Commander contradicts the Operations and Logistics Group commanders and delays the requirement for mandatory shots until after all education briefings are completed, March 2000 UTA. All pilots and their spouses attend briefings by Dr. Rhys-Jones and USAF doctor from Wright-Patterson AFB, OH. 110th FW Vice Commander and 110th Staff Judge Advocate give a briefing concerning the responsibility of the military to provide for the member and families in the unlikely event that a member should develop an illness after taking the anthrax vaccine. He stated the military would accept responsibility for care after a line-of-duty (LOD) determination confirmed the vaccine in fact caused the symptoms. After questions from many spouses, he admitted that none of the members of the unit currently claiming illness from the vaccine were given LOD status. He refused to answer further questions concerning the sick members again citing privacy concerns. Many pilots made their decisions to leave following this briefing. Two more pilots immediately request transfers to the Air Force Reserve. Further education briefings are scheduled for the February 2000 UTA.

January UTA 2000: Failure of the Bioport plant renovations to win FDA approval causes the DOD to delay implementation of Phase II of the AVIP. 10 pilots voluntarily begin the anthrax vaccine shot series. Wing Commander directs all requests for transfer, resignations or retirements can only be approved by him and no longer by the unit commanders. Resignations will not be approved for any one, only transfers to the Individual Ready Reserve or to other non-flying Reserve jobs. Retirement requests will not relieve the requirement to begin the shot series unless the retirement will be effective before August 2000, the

deployment date. All Squadron commanders are informed they will be required to take the shots in order to remain in their command positions. Operations Group Commander reminds pilots that in order to have the proper number of vaccine doses available for the now mandatory date of March 2000, as directed by the Wing Commander, decisions must be in writing by the end of the February UTA. 172nd FS Commander has personnel technicians determine exactly who has commitments to the ANG and discovers only 5 out of 36 pilots have any commitments. Those pilots are told they have no choice but to take the shot at the March UTA or be grounded, reprimanded and administrative discharge proceedings begun for a Less than Honorable discharge for refusing an order to take the shot. Two more pilots request a transfer to the Reserves.

January 10, 2000: 172 FS Commander informs the Operations Group Commander of his resignation. Discussions occur concerning the announcement timing and the effect on the remainder of the pilots who still have not made their decision. The decision to delay announcement until after the education briefings during the February UTA is reached to lessen the chances of pilots leaving due to the Squadron Commander's decision. Announcement for a replacement will be made then.

January 2000: News of the Squadron Commander's resignation spreads throughout the unit. Pilots invite Dr. Meryl Nass to speak in order to get a non-DOD point of view on the issues. All pilots who had not started the anthrax shot series attend the briefing along with the unit Flight Surgeon and Public Affairs officer, who were sent by the base leadership.

February UTA 2000: DOD briefings occur for the entire 110th Fighter Wing. Unit Flight Surgeon speaks and answers questions concerning the Dr. Nass briefing. Wing Commander speaks to pilots concerning the retirement and transfer policy. He states that if a pilot is not going to volunteer for the unit deployment, and take the anthrax shots, then he must leave the unit. He backs down on requiring retirements to be effective prior to the deployment date of August 2000, but states requests to retire must be received prior to March UTA. 172nd FS Commander speaks to pilots and announces his resignation officially. Five pilots request transfer to the Reserves bringing the total to 11. Four pilots eventually file for retirement by the end of CY2000. The Operations Group Commander is fired with no explanation.

March UTA 2000: 9 of the remaining 11 pilots begin the anthrax vaccination shot series. NO PILOT IN THE 110TH FIGHTER WING WAS EVER ORDERED TO TAKE THE SHOTS. A new 172nd FS Commander is appointed. Harassment begins for the two pilots who do not voluntarily begin the shot series. They are told they will not be allowed to go on the winter deployment to Tucson, AZ. Their request to participate in an exercise in Thailand was initially denied because it was determined to be "too good a deal", but they were later allowed to attend after

protesting their punishment to the new Operations Group commander.

April 2000: GAO arrives to interview unit concerning anthrax program and effect on morale. Only the former Squadron Commander is available from the 11 pilots who left the unit. The four pilots requesting retirement are interviewed.

July 2000: Both pilots who did not volunteer to begin the anthrax shot series were grounded by the new 172nd FS Commander for “not volunteering for a voluntary deployment.” They were told they would be assigned to the Intelligence section in a non-flying capacity, required to return all of the flying uniforms and would be given administrative General discharges. The SJA subsequently tells them they cannot be given General discharges, “because they have done nothing wrong.” DOD announces a change in AVIP policy due to shortage of FDA approved and tested vaccine. Individuals deploying to “high threat areas” for less than 30 consecutive days no longer require the anthrax vaccination.

August 2000: The 172nd Fighter Squadron deploys in support of AEF 7. Due to the losses because of the AVIP, pilots from other ANG units, the Reserves and active duty Air Force, augment them. One of the active duty pilots arrives in theater without having taken any anthrax vaccinations. Both grounded 172nd FS pilots officially volunteer with the Wing Commander for the second rotation of the deployment. Their request is denied. They file an IG complaint with the ANG IG for being punished for no reason other than they “did not comply with the squadron commander’s wishes and volunteer for a voluntary deployment.”

September 2000: Aircraft and personnel return from AEF 7 deployment. 172nd FS receives awards from the Air Force Association and the National Guard Association of the United States as the Outstanding Air National Guard unit of 1999 for their combat operations in Kosovo in support of Operation Allied Force. 172nd FS pilots that received the anthrax shots feel betrayed, now that the DOD policy has changed. Many of the pilots that left the unit, rather than disobey an order that was never given, feel they were coerced into ending their careers for no reason.