



Avalon Home	Document Collections	Ancient 4000bce - 399	Medieval 400 - 1399	15th Century 1400 - 1499	16th Century 1500 - 1599	17th Century 1600 - 1699	18th Century 1700 - 1799	19th Century 1800 - 1899	20th Century 1900 - 1999	21st Century 2000 -
-----------------------------	--------------------------------------	---	---	---	---	---	---	---	---	--

Documents on Terrorism - Anthrax Hearings October 1999 Statement by Major Thomas L. Rempfer

Statement by Major Thomas L. Rempfer To Government Reform and Oversight Committee U.S. House of Representatives October 12, 1999

Chairman Burton, Members of the Committee, I open my testimony with the core values of the US Air Force.

"Integrity first, service before self, and excellence in all we do."

I am not here today to speak about the safety and efficacy of the anthrax vaccine. Instead, I am here to discuss another reason for the growing retention problem generated by the anthrax vaccination policy: it is integrity, and its relationship to doctrine.

After exhausting all avenues within my chain of command, and communicating with hundreds of servicemembers over the past year, I have concluded that the root cause of the negative reaction to the anthrax vaccination policy is a sense that the professional standards demanded of military personnel have been consistently violated by those implementing this policy. It is not, as DoD officials assert, simply a failure to educate, but instead a failure to communicate the truth, the whole truth, and nothing but the truth. Here are just a few examples:

First, when the anthrax vaccination policy was announced on December 15, 1997, a senior officer, who refused to be named, told reporters: "It's been licensed since 1970, [and has a] proven safety record. It's been documented." (1)

The whole truth is that in April 1998, Dr. Kathryn Zoon of the FDA stated in a letter that, "data for clinical studies conducted on the long term health effects of taking the anthrax vaccine have not been submitted to the FDA." (2) The Government Accounting Office reiterated this fact on April 30, 1999 (3), and just last week the Army announced they would now conduct such a study. (4)

Next, the Assistant Secretary of Defense for Health Affairs, who is a physician, told Congress on March 24th that "the safety of our AVIP was also confirmed by an independent review of the program." (5) She was referring to a report by a Yale University Medical School professor who was selected by DOD to review the health and medical aspects of the anthrax vaccination policy before its implementation.

The whole truth is that the doctor our DOD repeatedly cited for over a year as their "independent expert" is really an obstetrician and gynecologist. He wrote Congress, upon being requested to testify last April, that he had informed DoD at the time of the review that he had "no expertise in anthrax." (6) DOD has never acknowledged this admission by their "expert" or explained why they asked an OB/GYN to review a biological warfare immunization program. As a result DOD's independent review is perceived as a sham. (7)

Next, the Assistant Secretary of Defense for Public Affairs speaking about the vaccine in January said, "It's safe and reliable...It works and has no side effects." (8) On June 29th he ridiculed the idea of adverse reactions to the vaccine when he told reporters: "I've had three shots. My hair is growing more robust than ever. I sleep better. I eat better, run farther. It's been nothing but a great experience." (9)

The whole truth is that DOD physicians met at Ft. Detrick, MD, on 25 to 27 May, 1999 to discuss adverse reactions to the vaccine, including the case of an Air Force pilot who developed an auto-immune disorder after receiving the vaccine and had been grounded since November, 1998. (10) On September 30th the Army Surgeon General admitted to 72 cases of adverse reactions that had required hospitalization – while he continued to minimize the risk of the vaccine. (11)

Next, the Assistant Secretary of Defense for Public Affairs has also asserted for months that the number of anthrax refusals is only about 200 servicemembers, inferring no significant impact to readiness. Yet, on September 30th a DoD spokesman finally acknowledged that DoD had made a conscious decision not to track refusals. (12)

The whole truth is that DoD crafted a "no bad news" tracking system that only tracks the administration of shots, but does not track adverse reactions or refusals. The Deputy Secretary of Defense admitted to Congress on September 30th, "he was reluctant to count refusals through a central tracking system because it would undermine command authority." (13) He did not elaborate why telling the truth would undermine the chain of command.

Next, the Assistant Secretary of Defense for Reserve Affairs stated on August 17, 1999: "before Secretary Cohen authorized the use of a single dose, he ordered supplemental testing of the vaccine, doubly ensuring the vaccine's safety and far exceeding any pharmaceutical

industry standards. Supplemental testing, combined with the ongoing supervision of the FDA, demonstrates that the vaccine is safe and effective." (14)

The whole truth is that on April 29, 1999, BG Eddie Cain admitted that DoD had suspended the supplemental testing after "inconsistencies" were found in the procedures being used by the manufacturer, Bioport, despite supervision by another DoD contractor hired to oversee the testing. (15) Additionally, the GAO reported that supplemental testing couldn't compensate for a flawed manufacturing process. (16)

Next, the Assistant Secretary of Defense for Reserve Affairs additionally testified to Congress on September 29th, after being reminded he was under oath, that if someone is going to resign over anthrax, "they are certainly not going to be subject to any penalties. This is one of the points of the Guard and Reserve."

The whole truth is that five days later the commander of the 184th Bomb Wing, Kansas Air National Guard, issued a written warning to a B-1 bomber pilot threatening a \$500 fine and six months in jail, because the pilot had asked to transfer in lieu of submitting to the vaccine. (17)

Next, the Deputy Secretary of Defense wrote Newsweek Magazine on April 3, 1998 about the anthrax vaccine manufacturer, stating, "no shutdown was ever directed or contemplated as a result of any FDA inspection." (18) Additionally, on August 5, 1999, a senior officer who refused to be named told reporters that a threatened FDA shutdown of the manufacturer's production line was an "urban legend." (19)

The whole truth is that the FDA sent a "notice of intention to revoke" the manufacturer's license on March 11, 1997 after "significant deviations" discovered during previous inspections remained uncorrected. (20) A follow-up FDA report in February 1998 found that, "the manufacturing process for Anthrax Vaccine is not validated." (21) The manufacturer subsequently "voluntarily" suspended anthrax vaccine production. All of the vaccine used on servicemembers to-date was manufactured during the period of repeated significant deviations from FDA manufacturing standards.

Next, in September 1998, the Secretary of the Army wrote a letter indemnifying the anthrax vaccine manufacturer. (22) It stated: "The obligation assumed by [the manufacturer] under this contract involves unusually hazardous risks associated with the potential for adverse reactions in some recipients and the possibility that the desired immunological effect will not be obtained by all recipients." When that letter surfaced in June, DOD called it "a misreading of a routine contracting procedure." (23)

The whole truth is that the last vaccine to receive similar indemnification was the swine flu vaccine in 1976 – a health care fiasco that was supported by the health care community as the anthrax vaccine appears to be today. (24)

Next, the Director of the Air National Guard testified under oath on September 29, 1999 that only one member of the Air National Guard had left over the anthrax vaccine.

The whole truth is that eight pilots from the Connecticut ANG resigned or transferred specifically because of the anthrax vaccine, as did seven pilots in the Wisconsin ANG who are now grounded while awaiting out-processing. Four days after this testimony denying attrition, 22 of 50 pilots in the Tennessee ANG unit in Memphis quit – along with 38 other servicemembers. These are just a few examples of the current attrition and pale in comparison to the expected losses to a program just beginning in the reserves.

Finally, the Secretary of Defense has stated that he would be "derelict" in his duty if he did not mandate use of the anthrax vaccine. (25)

The whole truth is that weaponized anthrax has been available since World War II and the anthrax vaccine has been available since 1970. Additionally, the GAO has testified that, "the nature and magnitude of the military threat of biological warfare has not changed since 1990." (26) Accepting the Secretary's statement means that every other Secretary of Defense in the post-Cold War era has been derelict for not mandating the vaccine. Framing the anthrax vaccination as a moral imperative has precluded an intellectually honest debate about this policy and has resulted in punishment of those who question it. (27)

Analysis:

These ten lapses of our core values are merely the beginning in the unraveling of the truth. They have placed military commanders at all levels in an untenable position: either implement a questionable policy or sacrifice their careers. Consequently, the anthrax vaccine policy has turned into a biological loyalty test. The anthrax vaccine is no longer a health policy. Instead, it has become an issue of "good order and discipline" and the ability of the military's leadership to impose its will on subordinates. Loyal servicemembers now must express their fealty to the chain of command by submitting to the vaccine. For those who don't, there is arbitrary discipline – incarceration and court-martial for some, dismissal and disgrace for others. (28)

Each of these examples demonstrates a breakdown of intellectual honesty, which is the linchpin of integrity and doctrine. Without honesty doctrine is merely dogma. Congressman Shays has referred to the anthrax vaccination policy as a "medical Maginot Line." (29) It requires the tacit cooperation of our adversaries to use the only biological agent against which we have invasively defended ourselves. It requires our adversaries to not use chemical agents at all. It requires our adversaries to attack only the one percent of Americans who are vaccinated. Recognizing the logical long-term implications of this façade of force protection (30), former deputy director of the Soviet biological weapons programs, Dr. Ken Alibek, told the Joint Economic Committee of Congress that: "In the case of most military and all terrorist attacks with biological weapons, vaccines would be of little use." (31) Further, he recently stated: "We need to stop deceiving people that vaccines are the most effective protection and start developing new therapeutic and preventive approaches and means based on a broad-spectrum protection." (32)

Servicemembers have discovered an acute dichotomy between what defense officials are telling Congress and the information readily available in government documents, Congressional testimony, medical research and news reports. (33) This contrast creates an ethical dilemma for servicemembers whose core values require the questioning of immoral orders. Consequently, out of our respect for the Constitutional imperative of civilian control of the military we have reluctantly and repeatedly asked Congress to intercede and stop the corrosive impact the anthrax vaccination policy is having on our nation's military. If Congress is not proactive in response to DOD's absence of intellectual honesty, the unfortunate reality is that those members of the all-volunteer military who do embody its core values will simply leave.

I close with an excerpt from *The Soldier and the State*, by noted Harvard military scholar, Samuel Huntington. He rhetorically asked, "what does the military officer do when he is ordered by a statesman to take a measure which is militarily absurd when judged by professional standards and which is strictly within the military realm without political implications?" Huntington answered, "the existence of professional standards justifies military disobedience." (34)

Our professional standards have been made very clear: Integrity first, service before self, and excellence in all we do. Therefore, I believe I would be derelict in my duty if I did not take this opportunity to express my adamant professional dissent toward the Anthrax Vaccine Immunization Policy. As well, it would be unconscionable for me not to seek redress for all servicemembers, dedicated to the profession of arms, who have been inexorably drawn into this professional military dilemma. Mr. Chairman, I offer sincere thanks to you for looking out for our nation's servicemembers.

Chronology and Information Paper on the US Servicemember's Anthrax dilemma:
http://www.dallasnw.quik.com/cyberella/Anthrax/Chron_Info.aspl

References:

- 1 http://www.defenselink.mil/news/Dec1997/x12181997_x1215mfp.aspl
- 2 Dr. Kathryn Zoon, FDA Director of Biologics Evaluation and Research, 28 Apr 1998, at http://www.dallasnw.quik.com/cyberella/Anthrax/Zoon4_98.aspl
- 3 <http://www.house.gov/reform/ns/hearings/testimony/mrchan4-30.asp>
- 4 http://www.defenselink.mil/news/Oct1999/n10071999_9910074.aspl
- 5 <http://www.house.gov/reform/ns/hearings/testimony/testimonybailey.asp>
- 6 http://www.dallasnw.quik.com/cyberella/Anthrax/Burrow_4_99.asp
- 7 <http://www.dallasnw.quik.com/cyberella/Anthrax/Editorial2.aspl>
- 8 http://www.defenselink.mil/news/Jan1999/n01221999_9901222.aspl
- 9 DOD press briefing, 29 Jun 99, http://www.defenselink.mil/news/Jun1999/t06301999_t0629asd.aspl
- 10 http://www.dallasnw.quik.com/cyberella/Anthrax/FtDetrick5_99.aspl
- 11 http://www.washingtonpost.com/wp-srv/online/19990930/online174510_000.asp
- 12 http://www.defenselink.mil/news/Sep1999/t09301999_trfg-930.aspl
- 13 http://www.washingtonpost.com/wp-srv/online/19990930/online174510_000.asp
- 14 http://www.defenselink.mil/news/Aug1999/n08171999_9908176.aspl
- 15 <http://www.house.gov/reform/ns/hearings/testimony/cain4-30.asp>
- 16 <http://www.house.gov/reform/ns/hearings/testimony/mrchan4-30.asp>
- 17 Letter from Commander, 184th Bomb Wing, Col Edward A. McIlhenny dated 4 Oct 1999 (submitted to committee)
- 18 http://www.defenselink.mil/other_info/newswkedit.aspl
- 19 http://www.defenselink.mil/news/Aug1999/x08051999_x0805ant.aspl
- 20 <http://www.dallasnw.quik.com/cyberella/Anthrax/Mar97.aspl>
- 21 http://www.defenselink.mil/news/Aug1999/x08051999_x0805ant.aspl
- 22 http://www.dallasnw.quik.com/cyberella/Anthrax/Mem_D_98.aspl
- 23 http://www.defenselink.mil/news/Jul1999/n07021999_9907022.aspl
- 24 Kreisher, Otto, "Maker of anthrax shot seeks bailout", San Diego Union-Tribune, July 1, 1999
- 25 http://www.defenselink.mil/news/Mar1999/n03101999_9903103.aspl
- 26 <http://www.house.gov/reform/ns/hearings/testimony/mrchan4-30.asp>
- 27 Graham, Bradley, "Air Force Censures Vaccine Critic," Washington Post, August 2, 1999
- 28 http://www.dallasnw.quik.com/cyberella/Anthrax/Chron_Info.aspl
- 29 Shays, Christopher, Rep (R-CT), House Government Reform Subcommittee on National Security, fifth hearing on AVIP, September 29, 1999
- 30 http://www.house.gov/reform/ns/hearings/testimony/written_testimony_of_maj.asp
- 31 Statement by Dr. Kenneth Alibek before the Joint Economic Committee of Congress Wednesday, May 20, 1998

32 <http://www.emergency.com/1999/alibek99.asp>

33 <http://www.dallasnw.quik.com/cyberella/Anthrax/refute.aspl>

34 Huntington, Samuel P., *The Soldier and the State*, pg. 77

Source:
U.S. Government Website

[Anthrax Hearings](#) | [Terrorism Page](#)

Avalon Home	Document Collections	Ancient 4000bce - 399	Medieval 400 - 1399	15th Century 1400 - 1499	16th Century 1500 - 1599	17th Century 1600 - 1699	18th Century 1700 - 1799	19th Century 1800 - 1899	20th Century 1900 - 1999	21st Century 2000 -
-----------------------------	--------------------------------------	---------------------------------------	-------------------------------------	---	---	---	---	---	---	--

© 2008 Lillian Goldman Law Library
127 Wall Street, New Haven, CT 06511.

[Avalon Statement of Purpose](#)

[Contact Us](#)

[Yale Law Library](#)

[University Library](#)

[Yale Law School](#)

[Search Morris](#) | [Sear](#)