

Chris Mercier's son died in the crash of the military's experimental "Osprey" aircraft.

By Rex Korten

If you want to test an experimental aircraft, like the controversial Osprey hybrid helicopter system, and you want to know how it will do with a full complement of soldiers on board, you might consider starting out with sandbags representing the weight of the soldiers, instead of putting 19 bright young lives at stake.

So says Chris Mercier, whose son, Lance Corporal Keoki P. Santos, died in the April 2000 MV-22 Osprey crash in Marana, Arizona. In this first crash of an Osprey, 18 other young soldiers

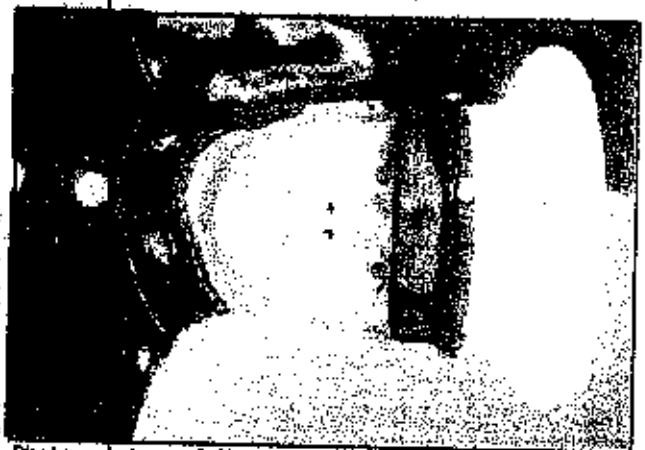


Photo courtesy of Chris Mercier

died. A second crash, taking four young lives, occurred in December of that year.

"I believe that putting passengers on that Osprey is abuse," said Mercier. "That Marine family was supposed to take care of my son and they didn't do it. The fact that the Osprey is still being tested should say something."

In civilian life, Chris Mercier, wife of Tribal Elder Dean Mercier, would have had her day in court to deter-

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nine whether those in charge of the Osprey program had in fact been negligent. In 1950, however, a federal court decision exempted from the 1946 Federal Tort Claims Act all civil law suits against the military. For more than 50 years, military malfeasance has been untouchable in civilian courts.

"My son was a Marine," said Mercier. "His dad was a Marine. He loved the Marines. I want them to know that we love the armed services, but at the same time, there are people in the armed services that abused the privilege and right now, the families that suffered can't do anything about it."

Following 2003 services for Santos at Williamette National Cemetery, Mercier broke down in sadness and frustration, and took to the Internet to see what she could learn. She found Veterans Equal Rights Protection Advocacy, Inc. (VERPA) www.verpa.org.

VERPA was formed by former Navy First Class Petty Officer Jeffrey A. Trueman, who likewise fell

abused by the service following his efforts to expose through the ranks of command "issues of pay and training

fraud."

"The Justice Department," he said, "is using taxpayer money to cover up rather than (prosecute) crimes committed by federal employees against Americans serving."

VERPA legislation to overturn the 1950 court decision now sits on the desk of Pennsylvania Senator Arlen Specter, but has not yet been introduced. The last two Congresses have seen scaled down bills introduced that would have allowed civil lawsuits in cases of military medical malpractice, and while each passed in the House, they failed in the Senate, said Trueman.

The office of Oregon Congressman David Wu had not returned calls for comment at press time.

According to a VERPA petition to abolish the 54-year-old doctrine, "Congress has failed to act resulting in the following individual and systemic abuses arising in the DOD (Department of Defense) and military to go unremedied, to include, but not limited to: (1) Murders, (2) Rape, (3) human experimentation in violation of the



Photo by Ron Kartin

Remembering Keoki — Chris Mercier takes a sad moment looking over the original news stories of her son's death in the crash of an experimental aircraft called the Osprey.

Nuremberg Code (Atomic Testing, LSD, Anthrax, other FDA unapproved inoculations), (4) Agent Orange and Gulf War Syndrome exposures and failure to treat, (5) Abuse of Power and Gross Negligent Acts, (6) Undue Command Influence, (7) Abuse and Double Standards under the Uniform Code of Military Justice (UCMJ), (7) Palsification of Official Documents, (8) Abuse of the military's mental health system (9) service-connected mental or physical injury or injustice."

"When I think of how the majority of people in the world are appalled by the abuse suffered by the prisoners in Iraq at the hands of our military, and the reality that has moved the U.S. military to talk of compensation for the victims," said Mercier in printed statement, "I ask why the people of America are unable to see the parallels with the abuse suffered by our own service men and women and act similarly to protect them in the same way."

"We just need our right to be heard," said Trueman, "and I think the public will be outraged when they learn about this." ■

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