

# Unvaccinated Pilots Are Fighting Against COVID Vaccine Mandates



For many pilots who have [chosen to remain unvaccinated](#) for COVID-19, daily life has become a navigation of Catch-22s not seen since bombardiers were still stationed on Pianosa.

Jason Kunisch, a commercial airline pilot with 20 years experience and co-founder of the [US Freedom Flyers](#), ponders whether [OSHA can require him](#) to take a “newly approved” vaccine, despite his long-held understanding that, “Traditionally pilots are not governed by OSHA...[but] by the FAA,” which [prohibits](#) pilots from taking newly approved drugs.

Sherry Walker, a United pilot with more than 24 years experience, and co-founder of [Airline Employees for Health Freedom](#), copes with the reality that, according to her account, despite having received an exemption from United’s vaccine requirement in order to keep her job while unvaccinated, she can longer do her job or receive a paycheck, presumably until she is vaccinated.

Kate O'Brien, the Media Relations Director for the U.S. Freedom Flyers, voices the frustration of her group's members, as she describes how executive orders supposedly issued to keep Americans employed and maintain the integrity of the supply chain, have arguably led to increases in unemployment and the supply chain's collapse.

## **Medical Freedom Organizations Takeoff in the Aviation Industry**

Growing up in San Diego, Jason Kunisch learned to fly while still in high school. After earning his private pilot's license, he attended a four-year aeronautical university, graduating with degrees in aeronautical science and business, then went on and earned his instructor ratings before working dispatch for a charter corporation out of California and Texas. From there he went and flew regional jets prior to making his way over to one of the major airlines a little more than eight years ago.

However, over the course of the past year, life took an unexpected turn for Kunisch. Although still working for a major airline when interviewed for this article in late November, Kunisch was now spending a considerable portion of his time immersed in the day to day operations of the US Freedom Flyers, a medical freedom organization he co-founded with fellow pilots Jessica Sarkisian, Joshua Yoder, and Veronica Harris.

When asked to recount what led him to this role, Kunisch detailed the ever-shifting vaccination policies of the major airlines that went from tolerable to utterly unacceptable in his mind, as well as those of his compatriots in just under a year.

"Most of the airlines prior to September 9 [2021] were very reasonable in their approach," Kunisch explained. "They said,

'If you want to go and get vaccinated, that's your personal choice. In fact, we're going to incentivize you to go do that. We're going to give you days off. We're going to give you cash. We're going to give you extra vacation days next year.'

As for those who did not want to get vaccinated, Kunisch said, the companies and the unions took the approach of "'Hey, we encourage you to do it but at the end of the day it's a choice between you and your medical practitioner or you and your family doctor or you and your family. Really it's a personal decision.'"

Yet, at the same time, Kunisch and others had their concerns about how long such a reasonable approach might last.

"We kind of saw the writing on the wall," Kunisch recalled. The forced masking of individuals, social distancing, and the rules about what one could and could not do with regard to COVID were all disconcerting to him and many of his colleagues.

"So we're like all right," Kunisch said. "Really, the next logical thing is the vaccines and vaccine mandates."

Then, before long, the mandates arrived. "So United Airlines comes out over the summer and says, 'We're going to impose our own vaccine mandate and those who don't want to do it can submit for a religious or medical exemption,'" Kunisch explained.

Sherry Walker, co-founder of Airline Employees for Health Freedom, an organization similar to the U.S. Freedom Flyers, was one such individual from United.

According to Walker, who spoke in an interview as a representative of Airline Employees for Health Freedom, the process of applying for an accommodation was so onerous that many at United who had reservations about taking a COVID vaccine simply acquiesced out of exasperation from the process

or fear they might fail to navigate it properly in the time allowed.

Yet, for those that endured, Walker stated, “[United] put every one of us on unpaid indefinite leave.”

Jessica Sarkisian, a 24-year captain and U.S. Freedom Flyers co-founder, had been concerned about something like this happening at her company for quite some time, having circulated a petition on the matter amongst her co-workers as early as January 2021.

In an interview, Sarkisian described the moment her grassroots activism transitioned from an intracompany endeavor to one with a more national scope. “When United announced their mandate, my company said, ‘Yeah, we’re going to mandate it also, but for the 20% who do not want to get the vaccine, [they’ll] get testing options’ and so immediately people started contacting me at my airline because...people already knew how I felt.”

From there the US Freedom Flyers began to take off. “I started collaborating with a few go getters,” Sarkisian explained. “Then I saw Josh Yoder, another co-founder, on the Stew Peters show and I reached out to him and we communicated and I also reached out to the gals at United and communicated with them and just started reaching out to people at other airlines.”

Likewise, Walker’s Airline Employees for Health Freedom saw their numbers grow during this period as well.

Yet, despite this grassroots success for Kunisch, Walker, Sarkisian, and the members of their nascent organizations, it was not long before they would have more to contend with than simply employer mandates.

# Pilots Enter Dogfight with the Biden Administration

“So September 9 rolls around and President Biden says he’s going to have a number of mandates and executive orders,” Kunisch said. “[One] is covering employers of more than 100 employees and that is going to be handled through OSHA...That’s the [OSHA case](#). Then there’s the federal [contractor case](#). That’s another one...initially, our response was to raise funds and awareness and to sue the federal government on the grounds of the OSHA issue because that’s what we all thought was going to get us first.”

This though was despite the fact that there was initially some confusion amongst Kunisch and others in their organization regarding whether the OSHA mandate affected pilots specifically, given that they long understood that they were governed by the FAA, not OSHA.

But, before long, whether pilots were affected by a mandate enforced by an agency, that, according to Kunisch, traditionally did not have authority over them, Kunisch and the US Freedom Flyers realized that the OSHA mandate was not actually their most imminent threat.

*“What really came to really bite us all was this federal contractor mandate,” Kunisch said. “Now because the airlines have contracts with the federal government to do troop lifts or evacuations and other flying we are considered federal contractors even though we don’t get any of the benefits of federal contractors like better benefits, better pay, etc., etc., holidays off, whatever...I guess we get none of the good, [although] we get all of the bad...Within the federal contractor mandate there’s no provision for testing. So it’s basically get vaccinated or get fired...So that’s a major concern and initially, the companies were very strict in their wording. They more or less were saying ‘You get*

*vaccinated because of the mandate or you are on the streets.’”*

But the U.S. Freedom Flyers and Airlines Employees for Health Freedom fought back. They continued to grow their numbers. They spread awareness. They became more vocal in the media and with their companies and their unions.

Because of this, Kunisch said, “The companies have started to kind of back off...Southwest was the first to come out and say, ‘We’re not going to fire anybody. We’re not going to let anybody go. We’re going to give medical and religious exemptions and you’re going to be able to continue to work.’ I think Jet Blue has done a similar thing...I think Alaska has done it. But the process is still rather arduous and there are still concerns, very specific grave concerns, with the process with these exemptions that everyone has to go through who chooses not to get vaccinated.”

To give greater context, Kunisch, explained that technically there’s a difference between an exemption and an accommodation. “An exemption is you are exempt from getting vaccinated. However, to comply or to be fully exempt, you need to participate in an accommodation. Now what is that accommodation? That’s the question?”

Depending on the specifics of the accommodation, Kunisch believes this could lead to some form of religious discrimination. If the accommodation is unvaccinated airline employees must wear a mask, while vaccinated ones do not, in essence, those who remain unvaccinated due to their religious beliefs would be getting forced by their employers to wear an outward sign of their religious affiliation.

Kunisch also pointed out how treating unvaccinated people differently from vaccinated people doesn’t even make sense scientifically given recent findings demonstrating that those who have been vaccinated against COVID can

still [contract](#) and [potentially spread](#) COVID.

## Possible Paths to Victory

Yet, whether groups like the U.S. Freedom Flyers and Airline Employees for Health Freedom succeed likely will not come down to science, but, instead, a combination of legal technicalities and whether enough people will stand their ground and suffer the consequences while demonstrating their worth to their employers, and perhaps the rest of society, through their absence.

Given the key role the aviation industry plays in society and the narrow margins of personnel that facilitate its continued functioning, this should hypothetically be possible.

According to Sarkisian, it would not take a significant number of pilots or other personnel to cause a disruption for air travel by refusing to get vaccinated. "If you have an aircraft with...let's call it a crew of seven: five flight attendants and two pilots. One of them calls out, or is not there anymore, that's going to cause a delay or a cancellation. And then if that's happening across the board like we've seen in the past, it's going to be quite disruptive."

Case in point, this is what we saw recently with Southwest and other airlines with [alleged sickouts](#) and across the commercial airline industry over Christmas when there were [mass cancellations](#), seemingly on account of omicron.

Additionally, it is important to note that mandates impacting the aviation industry impact more than just commercial air travel.

A FedEx captain, who agreed to a phone interview on the condition of anonymity, described what the Biden administration's vaccine mandates would mean for his company. "There is such a huge number [of pilots] that have not been

vaccinated. And this is far bigger than the pilots. This is maintenance. This is the ground crews in Memphis.”

This FedEx captain went on to explain, “FedEx is centered in Memphis and [has] huge, huge ground crews in Memphis...and a huge percentage of our ground crew workforce is African American which, rightfully so, that group of people are very very distrusting of the government and the vaccine program because...[of] the Tuskegee experiments.”

“In comparison to the pilots,” the FedEx captain continued, “it’s a relatively low paying job where [FedEx is] having trouble having guys work anyway. There’s no possible way they’re going to stick around if a vaccine is mandated for them to work.”

O’Brien also emphasized the impact of vaccine mandates on the transportation of goods when discussing what she sees as the irrationality of the Biden administration’s rationale for their various mandates. “The administration itself has said, has outlined, you know, all the reasons why they feel the mandate is important, is imperative. Some of the reasons were to keep the supply chain intact. Well, we can see that the supply chain is currently in shambles. And why is that?”

Alternatively, on the legal front, both the US Freedom Flyers and Airline Employees for Health Freedom have cases working their way through the courts. There are also similar cases making their way to the [Supreme Court](#). Yet, to be clear, these cases are not about some fundamental question of whether an individual has the right to make their own medical decisions in the absence of government or employer influence or coercion, but more narrow legal concerns such as which government agency has the right to mandate what medical interventions for whom.

Which path may ultimately be more fruitful, or if either will lead to a desirable outcome for the US Freedom Flyers and



Airline Employees for Health Freedom, remains to be seen.

## Looking Towards the Horizon

But according to the pilots fighting to preserve medical freedom, the simple fact that they are fighting the government on this is having an impact.

“The government put forward these mandates...not expecting the response,” Kunisch said. “I don’t know why they weren’t expecting that. We can come up with reasons. The fact that we are fighting this is the reason why they are kind of on their heels.”

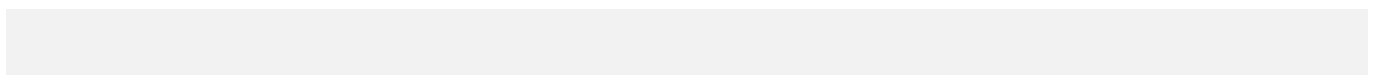
According to Kunisch, this is why the government pushed back their initial deadlines for compliance with the OSHA and contractor mandates. “There’s a reason for [this] and that’s because we’re fighting back. We’re fighting back against these mandates. We’re saying no. We’re not going to do it. We’re not going to be coerced.”

As of November, Sarkisian said the U.S. Freedom Flyers were working with employees from 26 airlines, Amtrak, and trucking companies, as well as the general public. Walker, when interviewed, estimated Airline Employees for Health Freedom had about 4,000 members across the transportation industry.

“This isn’t just about crew members,” Sarkisian stated. “This is a fight for freedom for everyone because everybody is obviously affected.”

“The issue is not the vaccine,” Kunisch added. “The issue is medical freedom and anti-coercion.”

Walker, when speaking of the battle ahead, stated, “I have a 16-year-old son,” before rhetorically asking, “If I do not fight this now, what world am I leaving him?”





## **Daniel Nuccio**

Daniel Nuccio holds master's degrees in both psychology and biology. Currently, he is pursuing a PhD in biology at Northern Illinois University studying host-microbe relationships. He is also a regular contributor to The College Fix where he writes about COVID, mental health, and other topics.