

EXHIBIT 1
(Part 2 of 2)

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CH (COL) JAMES B. LEE

Pursuant to 28 U.S.C. §1746, I, Chaplain (COL) James Bradley Lee declare as follows:

1. My name is **James B. Lee**. I am 52 years of age and have personal knowledge of and am competent to testify on the matters stated herein.

2. I make this declaration in support of my challenge to the Department of Defense and Department of the Army mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.

3. I currently reside at [REDACTED] Honolulu, HI, 96819. My home of record is Indiana, according to my official military file. My current residency is in the state of Alaska, where I hold a current drivers license. Lastly, my wife and I own a small property in Florida giving us a legal interest in that state.

4. I am an active-duty chaplain in the United States Army, serving at the rank of Colonel. I am currently assigned to the 311th Signal Command (Theater), Fort Shafter, HI 96858.

5. I began my military service taking the Oath of Office and Commissioning on 4 April 1996. On 3 June 1996, I began the Chaplain Officer Basic Course, at Fort Jackson, SC, and completed the course at the end of that summer. As part of the Chaplain Candidate program, I attended seminary and served concurrently in the summers for active duty training. In the summer of 1997, I served as a Chaplain Candidate in the 2/47th Infantry Battalion, Fort Leonard Wood, MO, earning my first Army Achievement medal for my service. In the summer of 1998, I completed one unit of Clinical Pastoral Education (CPE) at St. Luke's Medical Center, Kansas City, MO. Upon completion of seminary, I was commissioned to active-duty service as a Captain on 3 July 1999, assigned to Fort Bragg, NC.

6. My promotions were as follows: to the rank of Captain effective 3 July 1999; to the rank of Major effective 4 November 2007; to the rank of Lieutenant Colonel effective 3 January 2015; and to the rank of Colonel effective 1 October 2020. At the signing of this declaration, I have approximately 23 years and 10 months of service as of 1 April 2022.

7 During my military career, my family and I have had the privilege to serve and be stationed in the following overseas locations: Fort Richardson, Alaska (June 2002 -July 2005); Joint Base Elmendorf-Richardson, Alaska (August 2009-February 2015); and Fort Shafter, Hawaii (July 2020-Present). I have had the following deployments to either combat zones or foreign areas: Afghanistan (October 2003-August 2004); Afghanistan (April-December 2006). I also have three other short deployments to Jordan and Afghanistan between August 2015 and April 2018. I have deployed to active combat for approximately 20 months between 2003 and 2018.

8. During my military career, I have received the following awards and decorations: the Bronze Star Medal, the Defense Meritorious Service Medal, the Meritorious Service Medal with 2 Oak Leaf Clusters, the Army Commendation Medal with 4 Oak Leaf Clusters, the Army Achievement Medal with 1 Oak Leaf Cluster, the Air Force Achievement Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Military Outstanding Volunteer Medal, the Army Service Ribbon, the Overseas Service Ribbon with 4 Device, the United States Air Force Meritorious Unit Award, the United States Army Master Parachutist Badge, the German Parachutist Badge (Bronze), and the Canadian Parachutist Badge.

9. I submitted my Religious Accommodation Request (RAR), Exhibit #1, asking to be excused from the Army's COVID-19 vaccine mandate based on my sincere and deeply held religious beliefs. A summary of those reasons follows: In short, I have come to the place in my

faith journey of more than 45 years, that I believe it to be a violation of my body as a temple of the Holy Spirit (I Corinthians 6:19-20). As such for me to continue to knowingly allow the injection of substances into my body that contain aborted fetal cells, carcinogens, and other harmful chemicals, is unacceptable and ultimately a sin. Additionally, while some vaccines may not necessarily be produced with aborted fetal cells, the research and testing of many vaccines do in other cases. When the mandate became official at the end of August 2021, there was much confusion that followed regarding timelines and organizational implementation. Many Commands utilized a "rodeo" concept, in which Soldiers are literally rounded up and otherwise given an appointed time and place to be in order to receive the vaccination. The rodeo date for my organization, the 311th Signal Command, occurred in mid-September 2021. At this point most SM's had voluntarily received the vaccine so very few many remained who were considered unvaccinated. Although I had no intention of receiving the vaccine, I showed up as instructed to at least learn how this coercive process functioned and learn what I could from the medical technicians administering the vaccine. I was also prepared to make my declaration to submit a RAR in lieu of receiving the vaccine. However, I was the sole person who showed up from my unit. There was no other leadership, there was no measure of accountability, which is nearly without fail a present element at any required event by any Command. I was astonished that an event and an issue of such importance was disregarded by the 311th leadership. As a senior officer, no one asked me what I was doing or asked me to leave. I was able to get close enough to the administration stations to clearly see that the Pfizer vaccine was being utilized and clearly not an actual FDA approved vaccine. I submitted an email stating my formal declaration on 22 September 2021, Exhibit #2. Attached to that email was also a modified counseling statement (DA 4856), Exhibit #3, which I had taken care to alter the wording in order to accurately align with my request for a RAR versus outright refusing. The template DA 4856,

Exhibit #4, was an incriminating document that as is often said in the Army, “sets Soldiers up for failure.” I found it intolerable to sign a document acknowledging that I was declining or refusing to receive the vaccine. As I understand religious accommodation, free exercise guaranteed by the Constitution sheds a different light on an issue when a SM declares their desire for an accommodation versus outright refusal. Furthermore, the template 4856 stated that my “continued behavior” could result in punitive action, etc. On 28 September 2021, I personally met with the Company Commander, CPT Francis L. Riveratorres, in order to discuss the matter. He was adamant that the template 4856 must be followed and that there was no allowance for altering the document to accommodate those who were not refusing but requesting a religious accommodation in lieu of receiving the vaccine. He insisted that he was following the guidance given and that I must sign the DA 4856 as is. I also insisted that I could not in good faith sign a document that was ultimately incriminating. I left his office and within a short time BG Norris emailed me (Exhibit #5) to inform me that the counseling statement had been legally adjudicated and that I must sign it as is without alteration. Despite going on leave for the next three days, 29 September-1 October 2021, BG Norris insisted that I “complete this action soonest” by signing the DA 4856. After my brief leave, at the end of the duty day on 4 October 2021, I was preparing to submit my DA 4856 to CPT Riveratorres. Before I could hit send however, BG Norris emailed me insisting that I complete my RAR and DA 4856 before 1200 the next day, 5 October 2021. Furthermore, he threatened that if I did not comply, he would initiate a General Officer Memorandum of Reprimand (GOMOR) and that I would then be flagged pending derogatory action (Exhibit #6). I did send CPT Riveratorres my signed DA 4856 and an attached Memorandum for Record (MFR) noting my addendum modifications to the DA 4856 thereby legally protecting myself, Exhibits #7 and #8 respectively. On 6 October 2021, I submitted my RAR to CPT Riveratorres (Exhibit #1). I later completed my medical interview and submitted

that documentation on 8 November 2021, Exhibit #9. Lastly, my Chaplain interview and recommendation was completed and sent to CPT Rivera on 6 December 2021, Exhibits #10 and #11 respectively. Despite being harassed about arbitrary timelines, my complete RAR packet was submitted well prior to the DoD deadline of 15 December 2021, which was in accordance with guidance contained in FRAGO 15.

10. On 19 April 2022, I received notification that my RAR had been denied, Exhibit #12. Having seven calendar days to do so, I will submit my Appeal to Denial of Request for RAR on 26 April 2022, Exhibit #13. My Appeal is lengthy and as such I will let it stand on its own merit for review and relevance to my overall complaint and this declaration statement.

11. While I am not inclined to receive the Comirnaty vaccine even if available, I will attest to the fact that our primary Medical Treatment Facility (MFT) does not carry Comirnaty and has otherwise enforced the vaccinations of all Service Members (SM) of all branches using alternate, non-FDA approved versions of the vaccine. To that point, I had opportunity to visit the vaccination clinic at the Tripler Army Medical Center (TAMC) in November 2021. I inquired of the individuals working there if they knew whether or not the Comirnaty vaccine available. I was informed that only had Pfizer available for use and was eventually directed to the clinic Officer in Charge (OIC). I cannot recall his name, but he was a medical doctor in the rank of major. I directly asked him if we had Comirnaty. He informed me that we did not and confirmed what I had been told at the time that Pfizer was the only vaccine on hand. At the time he seemed nervous that I was asking and inquired if I was asking for legal reasons or something else. I assured him I was asking out of curiosity. At that, he proceeded to inform me that medically the vaccines are all the same. Legally however, he acknowledged that Comirnaty is legally distinct from all of the other non-FDA approved vaccines. Lastly, I asked when he thought we would receive Comirnaty. He chuckled and said, "Sir, I have no idea. It could be

next summer (2022) or never.” I thanked him for his time and left the clinic. It was apparent to me that he knew and understood the legal distinction and difference in Comirnaty versus Pfizer and/or any of the other non-FDA approved vaccines. As such, I was all the more convinced that the DoD’s attempt to vaccinate all SM’s is in complete violation of its’ own mandate, policies, and ensuing FRAGO’s outlining the implementation of the vaccination campaign.

12. FRAGO 10, dated 19 November 2021, announced the testing requirement targeting the unvaccinated. Within our Command however, that guidance was not addressed until January 2022. On 10 January 2022, CPT Riveratorres contacted me via text message to inform me that testing was a requirement based on my status pending a RAR, which is blatant discrimination. I asked him to email me in writing and he obliged, Exhibit #14. The subsequent emails are my questions and the attempt by the company First Sergeant, ISG Ian Northup, to seemingly cover for the commander in his overstep (Exhibit #15). Eventually, BG Norris emailed me on 21 January 2022, and informed me that I was indeed subject to the testing requirement and “asked” me to comply with the requirement (Exhibit #16). On 7 February 2022, I submitted my second RAR, Exhibit #17, this one specifically for COVID testing. I would also like to highlight that my request was an attempt to comply, not refuse or avoid testing. Specifically, I asked for a modified test in which I could produce (via saliva) the test material versus allowing something to be inserted into my body to which I object. Initially, BG Norris instructed me to telework until such time as my RAR was approved or denied or achieved some resolution. In the interim, CPT Rivera harassed me with discriminatory inquiries regarding my RAR, and yet I attempted to assist the Command in the process as found in Exhibit #18. Eventually, FRAGO 17 was published on 17 February 2022, which clearly stated that even individuals pending a RAR for testing were still subject to testing requirements, a clear affront and disrespect to the individually held religious beliefs of those who specifically submitted RAR’s for testing. As such, BG Norris

quickly followed with a direct order on 19 February 2022, directing me to return to the workplace and comply with testing, and again threatened me with punitive action if I did not. He furthermore noted that my absence had had a "detrimental impact on your (my) warfighting function." That email and attached MFR are Exhibits #19 and #20 respectively. Reluctantly, I submitted to testing for the first time on 22 February 2022. I did so with a memo (Exhibit #21) stating my position that requiring me to test was in violation of my religious beliefs. CPT Riveratorres, who administered the test, refused to sign acknowledging that I did indeed test as well as my position. His emailed response is Exhibit #22. The following Monday, 28 February 2022, I again tested as required, and again with an MFR stating my position and noted that since my last test I had had an unexplained nosebleed. Again, CPT Rivera refused to sign my MFR. The third week I showed up for testing, a civilian clerk, Ms. Kawaiola Nahale, administered the test and refused to sign my MFR as well. The following two weeks I was on medical leave and upon my return was not asked to test. On 4 April 2022, CPT Riveratorres announced in an email that testing was no longer "being required." I was finally notified by CPT Riveratorres on 13 April 2022, "The HQDA SJA returned your Religious Accommodation ETP for the COVID-19 Testing without action." My response is noted in that email chain as well pointing out the if testing were reinstated I would once again be subject to testing without sufficient time to resubmit my RAR for testing (Exhibit #23). I have yet to receive a response. My observation throughout this entire series of requirements and policy changes, that many Commands, and the 311th Signal Command specifically, have chosen to judiciously enforce certain requirements while ignoring others. For example, FRAGO 12, dated 3 December 2021, clearly stated that for meetings of more than 50 people, an ETP was required. This requirement was non-specific to vaccinated or unvaccinated individuals. I will attest that there have been many occasions in which well more than 50 people have been gathered for what many would understand to be a

meeting. The ludicrous nature of policies and guidance, however, is that while the Army has done its' level best to enforce force protection measures, those measures only apply to individuals and occasions which benefit the Army. Ironically, if a gathering is deemed a "training event," it is otherwise exempt from COVID force protection measures. But the real irony is that it has been during those "training events" as well, that COVID outbreaks have been clearly linked, at least within the 311th Signal Command footprint. Meanwhile, based on my status having submitted an RAR, I have been subject to testing, wearing a mask, and otherwise penalized for my religious stance.

15. At the time of submitting this declaration, I have been denied the opportunity for three different Temporary Duty (TDY) trips. The first was in February 2022 and was to attend the Family Life Annual Sustainment Training (FAST) at Fort Bragg, NC. FAST is an annual training event for Family Life qualified Chaplains, for the purpose of continued learning, training, and further development in pastoral and counseling skills. Additionally, as a senior Family Life Chaplain, I am part of a Senior Family Life Advisory Council, which shapes and molds the community of practice. FAST affords us the opportunity to conduct key discussions and make collective decisions regarding the overall Family Life community of practice literally impacting the entire Army. My Commander, BG Jan C. Norris, denied my request to go TDY to attend FAST informing me that he was concerned with "the precedent this would set for others in the command who are not vaccinated." (Exhibit #24). The second TDY trip that I was not afforded opportunity to attend was my Endorsers annual conference held 1-2 April 2022. As an ordained minister in the Church of the Nazarene, I am required to present a report and give an account, in person if at all possible, of my ministry to maintain my good standing with my denomination as well as maintain my endorsement. Thirdly, I was not afforded the opportunity to attend the Army Cyber (ARCYBER) Command Chaplain Training conference held in

Savannah, GA, 25-29 April 2022. This training conference was relevant not only to my current assignment but also the opportunity to develop key and essential relationships related to my next assignment at the 7th Signal Command, Fort Meade, MD. Regarding that assignment, however, Exhibit #25 is my Commander's memo informing me that he denied my request to submit an Exception to Policy (ETP) to move, otherwise called PCS (Permanent Change of Station). As such, without an ETP I am not allowed to move and otherwise confined to remain in place, along with my family. The immediate toll on my family of now "not knowing" what will happen, whether we will be allowed to eventually move, or face involuntary separation, is palpable and intense. Our family now cannot make any definitive plans regarding school enrollment, summer internships, and one child is tentatively slated to enter college, which requires planning and logistical considerations. Furthermore, the emotional toll of not being able to visit family during the pending move enroute to our next duty station, especially aging parents and a grandparent with failing health, is particularly hard on my wife to the point that she was recently ill as a result of the news and additional stress of being denied an ETP to PCS.

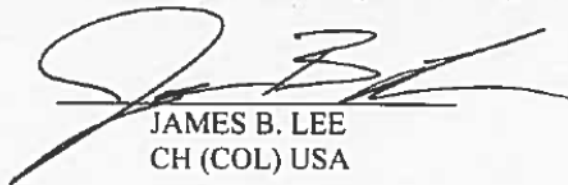
15. Having served this great nation in uniform for now close to 24 years, it grieves me that the last and ultimate course of action that I have in this matter is to file suit against the very Army that I have served and loved during that time. Early in my career, a friend and mentor once said to me, "The Army is not an easy life, but it is a good life." He was right. I have endured hardship, separation, loss, and I have experienced the unique experience of being shot at as well. But never would I have imagined that a shot would be the issue that threatens the very freedoms that I have sworn to protect and defend. With extreme prejudice, the Army and its leadership from the highest echelons to the lowest ranks, have coerced an illegal mandate utilizing an illegal substance and called it force protection. Those of us who have "followed the science," have watched that science unravel as the vaccinated contract COVID in droves while

the unvaccinated quietly keep pressing on with the mission. But even the blame has been placed on the unvaccinated. We have been subjected to testing and masked requirements that defy logic. And even in what would otherwise be the attempt to ask honest questions are simply told, "we're just following orders." Throughout our nation's history there come moments when men and women are seemingly called upon to stand, at great risk to their reputation and even livelihood, and proclaim that some orders are wrong. In fact, some orders are not simply wrong, they immoral, illegal, and unconscionable that we would even employ them. But even beyond that, those of us that have remained unvaccinated now do so predominately for medical or religious reasons. The policies and guidance given in recent FRAGO's, FRAGO 16 to be exact, already dispelled with those who refused the vaccine. FRAGO 17 continued the barrage of intolerable requirements naming the unvaccinated as the targets of those requirements. But if the Army has followed its own orders, the only remaining group of unvaccinated individuals are indeed those with medical or religious reasons. Both classes of individuals are protected classes by law. The Army has forgotten that however. Our Commanders have fashioned themselves into little gods pronouncing their judgements against the unvaccinated, initiating immediate separations, enforcing excruciating requirements even in addition to the ones contained in FRAGO's. As such, we have tramped on the religious freedoms of the very Soldiers that are willing to die for their country. Before COVID, Commanders were inclined to go to extreme lengths to grant RAR's, and expressed great respect for the religious beliefs of all faiths. But something has happened in the last two years. I am astounded and appalled that Commanders now have the audacity to believe that they have the ability to determine the sincerity of an individual Soldier's religious faith. Furthermore, even if they acknowledge a Soldier's faith, many have wielded power that is not theirs to wield in denying the Constitutional right to free exercise of the very Soldiers that they serve and command. While I could argue my worth and

value to the Army based on my experience and skillsets, my individual value and worth to the Army is insignificant compared to the worth of religious freedom for all. Make no mistake, our religious freedoms, within the context of the military at least, are at stake and on trial. If the Army does not somehow come to its senses and if a Federal Court fails to uphold the religious freedoms that our SM's defend through the very oath they swore to the Constitution, then we have sacrificed religious freedom in the name of science. That is not what our forefathers fought for. That is not what the framers of the Constitution penned when they signed that sacred document. But that is what is at stake. And if we as a nation, as an Army, and in this case as a court, get that wrong, religious freedom will no longer exist in our military, at least not in the sense that it has. Furthermore, if we allow religious freedom to die within our ranks, the Chaplaincy will no longer be needed and cease to exist in due time. What then stops that progression of smiting out religious freedom at the very doorsteps of every church, mosque, synagogue, and house of worship in our land? That is what is at stake. And that is why I freely and without reservation sign this declaration to the Glory of God and for the freedom of religion guaranteed by the United States Constitution.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

April 20, 2022



JAMES B. LEE
CH (COL) USA



**DEPARTMENT OF THE ARMY
OFFICE OF THE SURGEON GENERAL
7700 ARLINGTON BOULEVARD
FALLS CHURCH, VA 22042-5140**

DASG-ZA

13 APR 2022

MEMORANDUM THRU Commanding General, 8th Theater Sustainment Command,
Fort Shafter, HI 96858

FOR Chaplain (Colonel) James B. Lee, Headquarters and Headquarters Company,
311th Signal Command (Theater), 8th Theater Sustainment Command, Fort Shafter, HI
96858

SUBJECT: Denial of Request for Religious Accommodation

1. I reviewed your religious accommodation request for an immunization exemption from the COVID-19 vaccine mandate and other various vaccines described in your request.

a. Your request for exemption from the Army's COVID-19 vaccine mandate is denied.

b. Your request for exemption from other various vaccines is overly broad as it relates to vaccines you have already received as well as possible future immunization requirements. If, in the future, your duties and circumstances change and you are required to receive any additional immunizations, you may submit a new religious accommodation request for adjudication at that time for those particular vaccines.

2. I considered your request, based on your Christian faith, and reviewed your specific case. This included an examination of your chain of command recommendations, your unit chaplain's findings of a sincere religious belief, and your current military duties as a 56A, Chaplain. Your chain of command noted that, as the command chaplain for the 311th Signal Command (Theater), you are a key member of the command group and must frequently participate in meetings with other senior members of the command. You must also conduct ecclesiastical duties, which can require you to both minister to large groups and conduct counseling sessions with individuals in confidential settings. These circumstances put both you and other Soldiers at risk if you remain unvaccinated. Moreover, given your unit's mission throughout the Pacific theater, failing to be vaccinated could render you unable to travel to certain areas if needed.

3. COVID-19 is a grave risk to the readiness of the force, and in your case, I find that vaccination is the least restrictive means to further the Department of the Army's compelling government interests, which also includes protecting your health, the health of the force, and ensuring mission accomplishment.

DASG-ZA

SUBJECT: Denial of Request for Religious Accommodation

4. You may appeal this decision through your chain of command to the Assistant Secretary of the Army for Manpower & Reserve Affairs. If you choose to do so, you have seven calendar days from notification of my decision to submit any matters.

A handwritten signature in black ink, appearing to read 'R. Dingle', is written over the printed name.

RAYMOND S. DINGLE

Lieutenant General, U.S. Army

The Surgeon General and

Commanding General, USAMEDCOM

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CH (COL) BRAD P. LEWIS

Pursuant to 28 U.S.C. §1746, I, CH (COL) Brad Preston Lewis, declare as follows:

1. My name is Brad P. Lewis. I am 56 years old and have personal knowledge of, and am competent to testify on, the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of Army mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside at Carlisle Barracks, Pennsylvania, and am a student at the US Army War College and will graduate from that institution on 10 June 2022. My home of record is the State of Missouri as noted on my Officer Record Brief.
4. I am an active-duty chaplain in the United States Army, serving at the rank of Colonel. I am currently assigned to the United States Army War College, 46 Ashburn Drive, Carlisle, PA 17013.
5. I began my military service on 17 February 1987 as a Russian Voice Intercept Operator (98G) and remained in that position until October 1991, when I left the service at the rank of Sergeant (E-5) to attend Bible School and Seminary. Even then, my goal was to fulfill God's calling to become an Army Chaplain. I was commissioned in December 1994 and enrolled in the chaplain candidate program in preparation for full-time chaplaincy ministry. As part of my time in that program, which ran concurrently with seminary, I spent the summer of 1995 training at the 43rd Reception Battalion at Ft. Leonard Wood, MO where I was commended for quality service and awarded the Army Commendation Medal. The following summer I completed one unit of Clinical Pastoral Education (CPE) at Walter Reed Army Medical Center. After seminary,

I served in civilian ministry for three years before entering the Army Chaplaincy on 10 January 2001, completing a 15-year quest to military ministry.

6. As a commissioned officer, I was promoted to the rank of Captain effective 1 August 2001; to the rank of Major effective 3 March 2009; to the rank of Lieutenant Colonel effective 1 May 2016; and to the rank of Colonel effective 2 February 2020. According to my official Officer Record brief, on 1 October 2022 I will have twenty-six years and five months of active federal service.

7. During my military career, my family and I have been stationed overseas in locations such as Augsburg, Germany (October 1988-October 1991); Panmunjom, South Korea (unaccompanied July 2003-July 2004); Anchorage, Alaska (January 2008-June 2010) and Schofield Barracks, Hawaii (December 2019-June 2021). My combat deployments include six separate but relatively short deployments to Iraq and 5 to Afghanistan between 2005 and 2007 as well as year-long deployments to Khowst, Afghanistan (February 2009-February 2010) and Bagram AFB, Afghanistan (December 2018-August 2019). I have deployed to active combat for approximately 47 months between 2005 and 2019.

8. During my military career, for actions and service, I have been awarded the Bronze Star Medal with Oak Leaf Cluster, the Defense Meritorious Service Medal, the Meritorious Service Medal with 5 Oak Leaf Clusters, the Army Commendation Medal with 2 Oak Leaf Clusters, the Joint Service Achievement Medal, the Army Achievement Medal with 2 Oak Leaf Cluster, the Army Good Conduct Medal, the National Defense Service Medal with Star Device, the Afghanistan Campaign Medal with 4 Star Device, the Iraq Campaign Medal with 3 Star Device, the Global War on Terror Expeditionary Medal, the Global War on Terror Service Medal, the Korean Defense Service Medal, the Armed Forces Service Medal, the Noncommissioned Officer Professional Development Ribbon, the Army Service Ribbon, the Overseas Service Ribbon with

Numeral 4 device, the NATO Medal, the Joint Meritorious Unit Award, the Meritorious Unit Citation with Oak Leaf Cluster, the Army Superior Unit Award with Oak Leaf Cluster, the Air Force Meritorious Unit Award, the Army Staff Identification Badge, the Combat Action Badge, the Master Parachutists Badge, and the Latvian Parachutist Badge.

9. Additionally, in 2010 I was selected as one of eight, out of approximately 1500, Chaplains to attend the resident Command and General Staff College (AY 2011) and in 2021 as one of 4 Chaplains to attend resident US Army War College (AY 2022).

10. I submitted my Religious Accommodation Request (RAR) on 1 September 2021, asking for an exception to the Army's COVID-19 vaccine mandate based on my sincerely held religious beliefs. As my request made its way through "the system," I received a phone call from Ms. Maddis (sic) at Dunham Health Clinic, Carlisle Barracks, PA, on 24 September 2021, who identified herself as a nurse. She indicated she was supposed to counsel me as part of my request. Her "counseling" amounted to telling me she needed a memo from my church and explaining my beliefs to her over the phone. At no time did she counsel me on the pros and cons of remaining unvaccinated. She ultimately told me she couldn't forward my packet until she got a memo from the Garrison Chaplains Office. I ended the call after informing her that she needed to do some homework regarding the RA process. I reported the incident to my Faculty Instructor, Mr. Mike Zick, who arranged for another counseling with an actual doctor a few days later. That went much better. Later, I was counseled by the USAWC Deputy Commandant, COL Kimo C. Gallahue, on 18 October 2021, six weeks after the initial submission of my accommodation request. He stated, in writing, that that "the COVID-19 vaccines are safe and effective at *preventing* the COVID-19 disease and reducing the risk of severe illness and death", "any side effects *should* go away within a few days," and that, "failure to obey this [lawful] order may result in punitive or adverse administrative action." Such action could range from "punitive

action under the UCMJ" to "involuntary separation" possibly under "Other Than Honorable" conditions, which could result in "difficulty in obtaining civilian employment." Nothing was said about my rights under the First Amendment or the Religious Freedom Restoration Act (RFRA). The Garrison Chaplain, CH (COL) Herb Franklin, counseled me, per regulation, later that same day.

11. On Sunday, 2 January 2022, I received an email from LTC Bradley Foose "reminding" me that, per Annex P (Screening Testing) to USAWC OPORD 21-25 (Operations Under COVID Conditions), all unvaccinated personnel were required to be tested twice weekly beginning the next day, 3 January 2022. I was tested on 3 January 2022, 5 January 2022, 10 January 2022, 12 January 2022, and 19 January 2022. All tests were returned negative. On 24 January 2022 the test returned positive and I was directed to go to Dunham Health Clinic for a follow-up PCR test to validate those results. That test came back positive, as well, and I quarantined at home for 2 weeks until 30 January 2022. Following that test, the record of that test found in my medical records indicated, "this test has not been FDA cleared or approved. This test has been authorized by FDA under an Emergency Use Authorization." At no time, following my positive diagnosis of COVID, was the issue of natural immunity, as established by AR 40-562, discussed or even posited as an option to vaccination.

12. I have requested a religious accommodation because I sincerely believe the Bible to be the authoritative and infallible Word of God, given to inform and instruct humanity regarding his past, present, and future plans to redeem his people and eternally save their souls. I am a 4th generation member of the Assemblies of God who grew up hearing regular sermons warning believers to keep a careful watch for the "return of the bridegroom." Those warnings included things to watch for and events to consider carefully. In the Bible, Revelation 13 and other passages, clearly warn of a future person, entity, or system that will set himself up as a false god

and demand worship. That person will use extremely coercive means, including marking followers, to prohibit anyone around the world who will not bow to him from “buying or selling” (see Revelation 13:11-18). He will stop the “unmarked” from travel, commerce, and maintaining a source of income. The COVID vaccine mandates have for the past two years have been both global and coercive to the point of restricting travel, isolating people, and slowing, if not prohibiting, commerce. What we see in the vaccine mandates may, or may not, be the beginning of the "return of the bridegroom." I honestly don't know. What I do know is that in keeping with my upbringing, when you play with fire you will get burned. To that end, I will never bow to the current global and coercive system that so closely resembles what I read about in scripture.

13. Following SECARMY Guidance in Army Directive 2022-02 (Personnel Actions for Active-Duty Soldiers Who Refuse the COVID-19 Vaccination Order and Accession Requirements for Unvaccinated Individuals), on 17 February 2022 I submitted a request for an exception to policy to PCS IAW orders received to Ft. Benning GA following graduation from the War College. That request was denied on 25 March 2022 by the US Army War College Deputy Commandant, COL Kimo Gallahue, after consulting with the USAWC Commandant, MG David Hill, the Commanding General at Ft. Benning, GA, MG Patrick Donahoe, and the Army Chief of Chaplains, MG Thomas Solhjem. The denial of my request for an exception to policy essentially means I will be warehoused following graduation for an indefinite period.

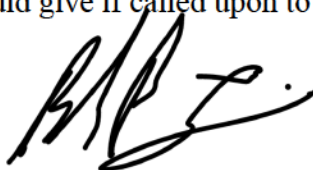
14. On 25 February 2022, I paid a visit to the USAWC Judge Advocate, LTC Kurt Perhach. I had to ask an administrative question while I was preparing to submit an Exception to Policy (ETP) request, per Army Directive 2022-02 (Personnel Actions for Active-Duty Soldiers Who Refuse the COVID-19 Vaccination Order and Accession Requirements for Unvaccinated Individuals), signed by the Secretary of the Army, SEC Christine E. Wormuth, on 31 January 2022. This ETP is needed so that my wife and I can conduct official travel and PCS to Fort

Benning in the summer of 2022, as ordered. At that meeting, LTC Perhach informed me that the Office of the Surgeon General had denied my request for a religious accommodation and that I could expect written notification within 24 hours. Three weeks later, on 17 March 2022, I received an email from Ms. Angela Matheson, SACO for JTF-NCR and MDW, with the official notification from the Surgeon General denying my accommodation request. The denial memo was dated 24 February 2022. In that memo TSG indicated that the decision to deny was based on consideration my “Christian faith” and the “grave risk” COVID-19 poses to the force. That memo also gave me seven calendar days to appeal the denial, which I did on 20 March 2022.

15. These seemingly endless requirements to request and appeal with no hope of approval, coupled with the academic requirements placed on all War College students, are resulting in immense stress which, in turn, is translating into difficulty maintaining an academic level I believe I am capable of, placing undue stress on my marriage, and threatening an early end to my career.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

April 13, 2022

A handwritten signature in black ink, appearing to read 'B. Lewis', with a stylized flourish at the end.

BRAD P. LEWIS
Chaplain (COL) USA



**DEPARTMENT OF THE ARMY
OFFICE OF THE SURGEON GENERAL
7700 ARLINGTON BOULEVARD
FALLS CHURCH, VA 22042-5140**

DASG-ZA

24 FEB 2022

MEMORANDUM THRU Commanding General, U.S. Army Military District of
Washington, Fort McNair, DC 20319-5031

FOR Chaplain (CH) Colonel (COL) Brad Lewis, U.S. Army War College, Carlisle, PA
17013

SUBJECT: Denial of Request for Religious Accommodation

1. I reviewed your religious accommodation request for an immunization exemption from the COVID-19 vaccine mandate. Your request for exemption from the Army's COVID-19 vaccine mandate is denied.
2. I considered your request, based on your Christian faith, and reviewed your specific case. This included an examination of your chain of command recommendations, your chaplain findings of a sincere religious belief, and your current military duties as a 56A, Chaplain, and student at the U.S. Army War College (AWC). Your chain of command noted that you are one of more than 350 resident students at the AWC, where you attend classes and seminars in-person with fellow students and faculty, as well as potentially participating in multiple in-person AWC social events.
3. COVID-19 is a grave risk to the readiness of the force, and in your case, I find that vaccination is the least restrictive means to further the Department of the Army's compelling government interests, which also includes protecting your health, the health of the force, and ensuring mission accomplishment.
4. You may appeal this decision through your chain of command to the Assistant Secretary of the Army for Manpower & Reserve Affairs. If you choose to appeal, you have seven calendar days from notification of my decision to submit matters.

A handwritten signature in black ink, appearing to read "R. Dingle", is written over the printed name and title of the official.

RAYMOND S. DINGLE
Lieutenant General, U.S. Army
The Surgeon General and
Commanding General, USAMEDCOM

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CAPTAIN ROBERT J NELSON

Pursuant to 28 U.S.C. §1746, I, Robert Jon Nelson declare as follows:

1. My name is Robert J Nelson. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of United States Air Force mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. My home of record where I am domiciled is San Antonio, Bexar County, Texas.
4. I am an active duty chaplain in the United States Air Force, serving at the rank of Captain. I am currently assigned to the 18 Air Support Operations Group, Air Combat Command, 1414 Reilly Rd, Bldg 539, Pope Army Airfield, NC 28308.
5. I began my military service on 28 Mar 2019 when I commissioned and entered Officer Training School at Maxwell Air Force Base, AL.
6. I was commissioned at the rank of Captain. As a professional, chaplains are automatically promoted to Captain if they have 7 year's professional experience. I entered with 15 years pastoral experience. I have over 3 years of service as a Chaplain in the USAF as of May 10, 2022.
7. I have received the Wing Staff Agency CGO Quarterly Award two times. I have received the Military Outstanding Volunteer Service Medal and the Air and Space Commendation Medal during my military career. In May 2021, I attended Squadron Officer School in residence and was selected to participate in the highly competitive Think Tank.

8. On November 15, 2021, I submitted my Religious Accommodation Request (RAR) at Exhibit 1 asking to be excused from the Air Forces's COVID-19 vaccine mandate based on my sincerely held religious beliefs. A summary of those reasons follows: The COVID-19 shots were created by experimenting on fetal cells. This is evil and goes against my conscience to support this treatment. I believe that my body is a gift from God and that He dwells in me (1 Cor. 6:19-20). Studies have shown that COVID-19 shots administered to pregnant mothers are killing babies in the womb and many children are being stillborn. This goes against God's desire for life (Job 31:15). Studies show the COVID-19 shots are destroying reproductive organs, which are against God's desire to be fruitful, multiply and fill the earth (Genesis 1:28). The statistics about miscarriages and reproductive issues that are mentioned in my RAR from November 2021 are validated with more information over the past seven months.

9. As of the writing of this declaration my RAR is still pending.

10. I stated in my RAR that according to Dr. Robert Malone, the creator of mRNA technology, the COVID-19 shot has not been properly tested and there is not enough data to support the decision to use it. Since the COVID-19 shot is not yet proven, it is unknown how this experimental treatment will affect our military and its readiness. Many service members have been forced to take a shot to protect them from a sickness that has not resulted in the mass deaths that were expected to take place. Many service members receiving the shot are experiencing physically injuries and adverse reactions, but what is not discussed are the emotional and spiritual damage such as moral injury. Moral injury is often compared to post-traumatic stress but is distinct. Moral injury is suffered when someone participates in an action that goes against their moral or spiritual beliefs. People who go against their conscience experience guilt, shame, depression and lack of motivation. Many may experience suicidal

ideations and this unseen injury will have long-term effects on our military as more people experience physical injuries from the shot and are forced to take boosters.

11. Since I have submitted a RAR, I have been sidelined. I have not been able to participate in the Religious Accommodation support because higher leadership believed that I would not be able to do my job objectively. In September 2021, I was denied the ability to give Religious Accommodation interviews or sit on the Religious Resolution Team. I asked leadership to reconsider because I have been able to interview airmen who are Sikh, Norse Pagan and Jewish and objectively consider their beliefs and approve Religious Accommodations. When I asked why I cannot participate, I was told that "the optics would not look good with my religious accommodation in the pile with airmen whom I have interviewed." Furthermore, I have been told to wear a mask even though the COVID-19 shot has not protected anyone from getting COVID.

12. I was required to go through an arduous approval process to get an exception to policy (ETP) to attend to my yearly Endorser Conference in May 2022. The Endorser Conference is required to maintain my certification to remain an approved Chaplain in the USAF. My ETP was reviewed at the Group, Wing, 15 Air Force, ACCCOM, and Headquarters Air Force (HAF) at the Pentagon. Finally, the undersecretary of the Air Force, Gina Ortiz Jones, signed and approved my request on May 5, 2022. During that process the ETP needed multiple revisions as leadership required more information. This gave the appearance they were trying to find any reason to deny this mission essential training. Endorser training should not be difficult to approve if required for certification to serve as a chaplain in the military.

13. My current assignment requires me to take multiple temporary duty trips (TDY). I have been unable to visit 8 geographically separated units because the Secretary of Defense has denied

TDYs without an ETP. I am allowed to take leave and travel wherever I choose, but I cannot travel for work based on the travel restrictions. This is discrimination.

14. The following retaliatory, career damaging, negative, punitive or administrative actions have been taken against me for refusing the alleged COVID vaccine and requesting a religious accommodation request: A chaplain at my Wing has been divisive by trying to speed up the process to have my RAR processed and denied. I am told secondhand how he is undermining my work and slandering my capabilities to leadership. I have been denied the ability to travel, and because of the ETP process, I am unable to participate in courses with the Army (spiritual care in emergency situations) that would benefit my service and career. My wife and family have experienced great instability through this process. We moved in August 2021, selling our house in Las Vegas and purchasing a new one in North Carolina, under the assumption that we would have financial stability to live in our home. My wife and five children experience are experiencing financial and emotional insecurity because they do not know if I will have a job in the next few months.

15. The USAF by approving thousands of administrative and medical exemptions has shown that they view religious accommodations as inconsequential. The people who are receiving medical and administrative exemptions catch COVID like everyone else and recover. They are not restricted in travel. The COVID-19 shot does not protect people. The First Amendment of the Constitution is intended to protect people to be enable the free exercise of religion. Now I am being threatened with something other than Honorable Discharge for having integrity to my beliefs as a Chaplain. I have not done anything wrong do deserve punishment. Now the benefits of my service and my honor are at stake. I will lose years of security in pay and health care. I will lose VA benefits and the Post 9/11 GI Bill which I intended to give to my children.

16. I have served 3 years as a missionary in Japan and 15 years in two separate churches. In order to enter the USAF, I had to receive an age-waiver because I was beyond the recruitment age. However, the USAF was prepared to take the risk when I entered at 43. Now, I am seen as a risk for a sickness that is being recognized as endemic. I left a stable church that was doing well, because I wanted to serve my country and help Airmen who experience extraordinary pressures. I brought experience having led a church of nearly 200, which has a thriving Child Development Center. I led a staff of 25 and started multiple ministries. I launched a Celebrate Recovery Ministry and served as the Ministry Leader. This skill set prepared me to care for a families and people who struggle daily in the USAF.

17. My first assignment was to a high operations tempo base, Nellis AFB. I was given the task of caring for the Maintainers who are notorious for being difficult to connect with and work among. I loved it. Our chapel was constantly understaffed. Through the challenges and despite my inexperience in the military, my Wing Chaplain placed me in positions to lead the Protestant Services and cover additional demanding Intelligence units. In my time at Nellis AFB, I was able to help save many marriages heading for divorce and counseled airmen suffering with suicidal thoughts. I led two memorials and gave four death notifications to families that lost a service member. In this two-year span of time I excelled in counseling and began studying for an MA in Clinical Mental Health Counseling for licensure as a Licensed Professional Counselor at Liberty University.

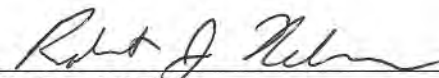
18. My assignment to Nellis AFB was cut short after a little over two years, when the USAF chose to move me early and assign me to serve as the first unit chaplain for the 18th Air Support Operations Group at Pope Army Airfield. This is the first True North chaplain team at Pope. The True North model is designed to embed chaplains directly in the units to care for airmen who are under extreme stress and demands. True North chaplains must be able to operate

independently and creatively because they do not have the support of a Chapel Staff or Wing Chaplain. My True North Group is even more unique because I support all the Airmen that are aligned with the XVIII Airborne Corps. The 18 ASOG primarily supports Tactical Air Control Party (TACP) members who are aligned with the XVIII Airborne Corps. These TACPs deploy with the Army and call in the Air Support. My airmen have demanding jobs and deploy often. They live in two worlds, in the Air Force and Army. They must go through extreme training and have multiple certifications to remain proficient at their job. I have 8 geographically separated units across the Eastern United States. While I can visit the squadrons that are located here at Pope/Ft Bragg, I am not able to travel to support the other 8 units because of the travel restrictions. Furthermore, it is inconsistent to allow me to take leave and travel wherever I chose, but I am not able to travel for my job.

19. What I am describing is the start of a very promising career. I have enjoyed all the ways I have served in the locations I have been called. I have done it well. But now it is being cut short. I have been limited in caring for my units and unable to receive extra training that would better equip me to support them and their families in their challenges. Countless members of the military continue to catch COVID-19 despite getting the shot. I am healthy and fit and yet I am told I am unfit to do my job. I have many years ahead of me, in what could be a supportive roll to people of faith and those who need emotional and spiritual support. I want this religious discrimination in the military to end.

20. I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

May 10, 2022


Robert J Nelson

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF MAJOR RICK HYOK PAK

Pursuant to 28 U.S.C. §1746, I, Rick Hyok Pak declare as follows:

1. My name is Rick Hyok Pak. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of United States Army's mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside at [REDACTED] Eschenbach, DE 92676. My home of record and where I am domiciled is Tacoma, Pierce County, Washington.
4. I am an active duty chaplain in the United States Army, serving at the rank of Major. I am currently assigned to the Headquarters and Headquarters Company, United States Army Garrison Bavaria, Grafenwoehr, Germany.
5. I began my military service on 24 August 1989, when I enlisted in the United States Army as an Infantryman and left at the rank of Private First Class, pay grade E-3 on 18 September 1991. I continued my military service in the Washington Army National Guard from 19 September 1991 to 19 January 1997 and left at the rank of Sergeant, pay grade E-5. I was commissioned to the rank of First Lieutenant on 13 November 2007 and entered active duty on 8 June 2008. Currently, I serve as the USAG Bavaria Family Life Chaplain, where I provide clinical pastoral counseling to Soldiers, Families and DoD Civilians within the USAG Bavaria footprint. I also train unit Chaplains and Religious Affairs Specialists/NCO on pastoral counseling techniques. Since my arrival in December 2019, I have successfully treated 22 clients covering various behavioral health issues. As of 24 April 2022, I have 23 active clients with

behavioral health issues: trauma, PTSD, anxiety, abuse, depression, sexual addiction, infidelity, marital, stress, grief, suicide, and anger. If separated from the Army, my absence will have a negative impact on these clients and readiness as a whole in the USAG Bavaria footprint.

6. My promotions were as follows: I was promoted to Captain on 8 December 2008 and to the rank of Major on 6 January 2018. I have approximately 16 years of service as of March 1, 2022.

7 During my military career, I have had the following deployments to either combat zones or foreign areas: 12/1990-05/1991 combat deployment to Iraq, 08/2009-08/2010 combat deployment to Iraq, 12/2011-12/2012 combat deployment to Afghanistan, and 04/2017-08/2017 deployment to Poznan, Poland.

8. I have received the following awards and commendations during my military career: 2x Bronze Star Medal, 3x Meritorious Service Medal, 3x Army Commendation Medal, 3x Army Achievement Medal, Good Conduct Medal, and the Army Reserve Components Achievement Medal. I was awarded the Combat Infantryman Badge on 12 March 1991 and the Combat Action Badge on 20 March 2012. I was awarded the Noble Patron of Calvary and Armor by the United States Cavalry and Armor Association in 2013. I was selected for postgraduate education in Marriage and Family Therapy at the Texas A&M-Central Texas from 06/2018-12/2019 where I earned a Master's of Science in Marriage and Family Therapy.

9. I submitted my Religious Accommodation Request (RAR) (or Religious exemption) at Exhibit 1, asking to be excused from the United States Army's COVID-19 vaccine mandate based on my sincerely held religious beliefs. A summary of those reasons follows: My decision to decline the vaccine mandate is grounded in my faith in my Savior and Lord, Jesus Christ. The Holy Spirit has deeply impressed my heart that I must decline the mandated COVID-19 vaccines. This decision is rooted in my faith, and I am fully convinced that it is the will of God

for my life (Romans 14). To do otherwise is to sin against God willfully. I would be sinning and jeopardizing my relationship with God and violating my conscience. I am pro-life and believe wholeheartedly in the sanctity of the unborn life. I understand that the manufacturers of the COVID vaccines have used cell lines from aborted fetal cells as part of their development or testing. My faith prohibits me from participating in or benefiting from abortion, no matter how remote in time that abortion occurred. I had COVID from 30 August 2021 to 15 September 2021.

10. My RAR was submitted on 04 October 2021 and is still pending as of 24 April 2022.

11. I object to the COVID-19 vaccination because the COVID-19 vaccines are not legitimate vaccines as that term has been historically and medically defined and presented to the public, so state. *I.e.*, “Vaccine” used to mean a medical procedure that protected you from the disease against which you were being vaccinated against whereas COVID vaccines do not protect you but are in reality a treatment.

12. On 29 September 2021, I was told by the medical provider overseeing the COVID vaccine administration that “all natural immunity medical exemption requests would be denied.” I was also told repeatedly within chaplain channels that “all religious accommodation requests will be denied.” I was denied the presumption of natural immunity as established by AR 40-562.

13. The following retaliatory, career damaging, negative, punitive or administrative actions have been taken against me for refusing the alleged COVID vaccine and requesting a religious accommodation request: I received my event-oriented counseling for refusing to take the COVID-19 vaccine on 29 September 2021. This counseling stated the following potential administrative actions: Involuntary separation under AR 600-8-24 with the possibility of receiving an Honorable, General Under Honorable Conditions, or Other Than Honorable discharge. I was denied participation in relevant training on “Sexual Assault Prevention” due to my unvaccinated status. For six months, masks were required for the unvaccinated during

worship services while the vaccinated participated mask free. The prolonged compliance to COVID-19 mitigation restrictions has negatively impacted my family. The stigma of wearing masks has created tremendous anxiety and stress for my wife and two teenage daughters. Army Directive 2022-02 (Personnel Actions for Active-Duty Soldiers Who Refuse the COVID-19 Vaccination Order and Accession Requirements for Unvaccinated Individuals) states that unvaccinated Soldiers who are pending a medical or administrative exemption (to include religious accommodation) will not PCS. Since our arrive at USAB Bavaria in December 2019, our family has suffered severe emotional duress. My daughters found it extremely difficult to leave friends behind to move overseas. Not being able to PCS will have a harmful impact on my family's emotional wellbeing.

15. I have served honorably for over 16 years of active service and have never once disobeyed a direct order. I sincerely believe that the mandated order to vaccinate is an unlawful order. Being accused of disobeying an unlawful order has negatively impacted my well-being. I have increased anxiety and concerns for me and my family's future. If I am allowed to resign without separation pay or be discharged with a general discharge would be devastating to my family. A general discharge would deny my family and me the benefits that I have rightfully earned. I will not be able to transfer my G.I. Bill to my two daughters. This would limit my daughter's access to educational institutions and the quality of education they would receive. A general discharge will limit my willingness to continue in my calling as a minister and the ability to provide for my family. The financial burden from the lack of employment opportunities will be devastating. The cost of providing for daily needs and potential health care costs will be overwhelming especially in our current national economic situation. In recent months, both my daughters have received physical therapy and if separated, they would not be able to have access to this valuable resource.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

April 24, 2022


RICK HYOK PAK

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CH (MAJ) RANDY GENE POGUE

Pursuant to 28 U.S.C. §1746, I, Randy Gene Pogue, declare as follows:

1. My name is Randy Gene Pogue. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of Army mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. My home of record and where I am domiciled is in Williamsville, Butler County, Missouri.
4. I am a reserve chaplain in the United States Army serving at the rank of Major. I am currently assigned to the 209th Regional Support Group, under the 76th Operational Response Command, 15303 Andrews Road, Kansas City, MO 64147.
5. I began my military service on January 12, 2015, when I direct commissioned as a Captain in the Army Reserve.
6. My promotions were as follows: promotion to Major on July 1, 2021. I have approximately seven years and three months of service as of April 26, 2022.
7. During my military career, I have not yet deployed to either combat zones or foreign areas.
8. I have received the following awards, citations, commendations or special recognition(s) during my military career: Army Reserve Component Achievement medal, Army Achievement Medal, Army Commendation Medal.

9. I submitted my Religious Accommodation Request (RAR) (or religious exemption) at Exhibit 1 on November 2, 2021, asking to be excused from the Army's COVID-19 vaccine mandate based on my sincerely held religious beliefs. A summary of those reasons follows: As an Assemblies of God endorsed military chaplain I adhere to my denomination's "Sanctity of Human Life" position paper adopted by the General Presbytery in session 9-11 August 2010: <https://ag.org/beliefs/position-papers/abortion-sanctity-of-human-life>. Per my faith tradition and personal religious belief, it is an unconscionable violation or transgression to profit or benefit from the murder or victimization of the "unborn" – human fetuses. The same applies to medical testing on human fetus tissue, stem cells, and embryonic genetic materials. Therefore, I cannot in good conscience receive the COVID-19 vaccine since it will substantially burden the exercise of my personal religious beliefs. Furthermore, I had COVID in November of 2021, confirmed by PCR test, and thus have natural immunity.

10. My RAR was submitted on November 2, 2021, and my RA packet was uploaded on February 28, 2022, but I have not yet received a formal denial by TSG. Therefore, my RA status is still pending. I have prepared an appeal memo in which I argue that the COVID-19 vaccine has not proven to be 100% safe and that the military has not effectively provided soldiers 'informed consent' regarding any potential harmful side effects.

11. I have no problem with "sterilized vaccines" like measles, mumps, polio, but have serious objections to a rapidly developed "experimental use only" vaccine without long-term studies that changes your DNA and whose effects have been suppressed. Furthermore, I object to the COVID-19 vaccination because the COVID-19 vaccines are not legitimate vaccines as that term has been historically and medically defined and presented to the public, i.e., the vaccines do not prevent COVID-19.

12. I believe it is unethical for military leadership to communicate to soldiers that they are receiving an FDA approved vaccine when in reality Comirnaty (the FDA approved vaccine) is not yet available here in the United States. Therefore, the vaccines being administered to soldiers are actually still only under Emergency Use Authorization thus, can only be mandated by the President of the United States.

13. Other issues associated with my refusal include the frequent threats of a GOMOR and a “less than honorable” discharge if I continue to assert my lawful right to refuse an experimental vaccine.

14. The following retaliatory, career damaging, negative, punitive or administrative actions have been taken against me for refusing the alleged COVID vaccine and requesting a religious accommodation request:

a. The medical interview that the division surgeon, COL Diane Godorov, conducted with me over the telephone on December 21, 2021, had a demeaning air to it throughout and her resulting medical counseling memo failed to adequately and accurately express my deep concerns and reasons for refusing the COVID vaccine. The telephone conversation also included veiled threats of a GOMOR and eventual “less than honorable” discharge if I persisted.

b. The memorandum prepared by Brigadier General Ernest Litynski on February 17, 2022, rashly recommends denial of my religious accommodation request while disregarding my natural immunity due to having contracted COVID-19 in violation of AR 40-562 which establishes the presumption of natural immunity for those who have contracted diseases such as COVID-19. This rejection also is contrary to the science showing that those who have natural immunity as a result of a previous infection have both better protection than those with a vaccine and increased health risks by being vaccinated despite their natural immunity.

c. Brigadier General Ernest Litynski made light of my sincerely held religious beliefs, ignoring their protection by the Religious Freedom and Restoration Act and the specific Title 10 protections that I have as a chaplain established by section 536 of the 2013 National Defense Authorization Act (NDAA), “Protection of Rights of Conscience of Members of the Armed Forces and Chaplains of Such Members”, as amended by Section 532 of the FY 23014 NDAA. He has violated Subsection (b) “Protection of Chaplain Decisions Relating to Conscience, Moral Principles, or Religious Beliefs.”

d. Brigadier General Ernest Litynski’s memorandum states, “MAJ Pogue’s refusal to become vaccinated presents unacceptable risk in terms of the military readiness, and health and safety of Service Members and civilian employees assigned to his unit” which will “limit his ability to perform his chaplain duties in person for the members of the 209th RSG and their families.” This ignores the actual facts which are specifically presented in my Religious Accommodation request, see also paragraph 16 below.

15. Brigadier General Litynski’s false, negative, and biased assessment is in fact retaliation. His statement reflects the Army leadership’s commitment to denying all religious accommodations and medical exceptions to an illegal mandate which relies on an illegal change of the definition of a vaccine from its historic understanding as a medical procedure that protected you against the disease you are being vaccinated against to merely a procedure that stimulates the recipient’s immune system. The effect of that change can be seen in the fact new COVID cases seem to be primarily arising from the vaccinated, not the unvaccinated, and to be “fully vaccinated” soldiers must now have boosters, the number of which has yet to be determined, constantly moving goalposts.

16. Brigadier General Litynski’s incorrect and biased assessment in paragraph 14.d above ignores the fact my ministry to my brigade soldiers as well as down-trace battalion soldiers has

not been limited in the least. Not only do I have natural immunity due to having contracted COVID-19, but the reality is that soldiers and other military members who have received the COVID vaccine are still contracting the disease themselves. Case in point, the Associated Press reported on December 27, 2021, the fully vaccinated U.S.S. Milwaukee had “[a]bout two dozen sailors or roughly 25% of the crew – have now tested positive for COVID-19[.]” “Officials: Nearly 25% [of fully vaccinated] Navy warship crew has COVID-19”, Lolita C. Baldor. <https://apnews.com/article/coronavirus-pandemic-health-jacksonville-us-navycb7d190b7c1c1c52f5441b56740d44de>. The U.S.S. Milwaukee was sidelined in port at Naval Station Guantanamo Bay in Cuba for a season until the disease was eliminated.

The Navy also reported “the U.S.S. Halsey, a destroyer, delayed its homeport move from Pearl Harbor, in Hawaii, to San Diego because a significant number of the crew became infected with COVID-19. *Id.* The Navy further reported “roughly one-third of the Halsey crew tested positive for the virus” although “the crew was nearly 100% vaccinated.” *Id.*

17. Military leadership has made it clear that resisting the vaccine comes with the high price of either resigning without separation pay or being discharged with a general discharge. This is further retaliation. A general discharge in this case is a punitive discharge because it is associated with people with discipline problems and will follow me throughout the remainder of my life, awarded for following my conscience in accord with the Religious Freedom Restoration Act and opposing a clearly illegal mandate based on a definition change to allow an administration to save face. Ultimately, the threat of a general discharge demeans and mischaracterizes my years of honorable service; it would deny any VA benefits I might incur and is motivated by the Army leadership’s hostility to religious belief. I am also concerned about how a “less than honorable” discharge might affect my civilian ministry moving forward, thus creating a potentially negative impact on my family both emotionally and financially.

Finally, it is neither logical nor rational to throw me out of the military for something so frivolous as refusing an unethical vaccination mandate for a product that has proven ineffective and even physically and mentally damaging for those experiencing adverse effects. My OER's (Officer Evaluation Reports) consistently and unquestionably demonstrate that my ministry as an Army Reserve Chaplain has been effective and greatly appreciated by military leadership. I have had great success at conducting relevant and beneficial life skill classes at each battalion I have had the privilege of serving in. These include instruction on relationship reinforcement, financial peace, moral leadership, etc. I have also successfully conducted multiple Strong Bonds (marriage enrichment) events which help fortify the force behind the force, i.e., the family.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

May 10, 2022

A handwritten signature in black ink, appearing to read "Randy Pogue", is written over a faint, circular official stamp.

Randy Gene Pogue

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CHAPLAIN, CAPTAIN, GERARDO RODRIGUEZ

Pursuant to 28 U.S.C. §1746, I, Gerardo Rodriguez declare as follows:

1. My name is Gerardo Rodriguez . I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of Air Force mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside at [REDACTED], Kettering, Ohio 45409. My home of record and where I am domiciled is Kettering, Montgomery, Ohio.
4. I am an active duty chaplain in the United States Air Force serving at the rank of Captain. I am currently assigned to the 88 ABW, Wright Patterson AFB, Ohio.
5. I began my military service on June 1, 2005 when I enlisted as an Airman Basic in the United States Air Force. I served until May 31, 2011 when I left active duty at the rank of Staff Sergeant, pay grade E-5. I completed the remainder of my Military Service Obligation (MSO) in January 2013. I had a 16 month break in service until I was commissioned on April 23, 2014 in the United States Air Force Reserves and entered active duty on October 19, 2020.
6. My promotions were as follows: Airman Basic June 1, 2005, Airman First Class July 15, 2005, Senior Airman November 15, 2007, Staff Sergeant March 1, 2010, Second Lieutenant April 23, 2014, First Lieutenant December 11, 2016, and Captain December 11, 2017. I have approximately 15 years of service as of April 14, 2022.

7. I have received the following during my military career: AF Commendation Medal and 88 ABW Wing Staff Agencies Company Grade Officer of the Quarter - 4th Quarter 2021.

8. I submitted my Religious Accommodation Request (RAR) (or Religious exemption) at Exhibit 1 asking to be excused from the United States Air Force's COVID-19 vaccine mandate based on my sincerely held religious beliefs. A summary of those reasons follows: I'm an observant Jewish man and a rabbi. I hold by Torah based principles that guide my thoughts and actions. I was appointed to be an Air Force chaplain with the understanding that I would "represent my faith" to the Air Force and do so without violating my faith. That was true until the COVID-19 vaccine mandate was imposed.

9. I have a history of opposing vaccinations as their compulsory implementation usurps body sovereignty, a sacrosanct biblical imperative (Leviticus 25:55), denying the right to informed consent. Injecting directly into my bloodstream forbidden animal and human cell line mixtures, metals, and preservatives, challenges my belief that my soul is made in God's image and therefore I am commanded to guard my body and soul scrupulously (Deuteronomy 4:9).

10. Also, since I was diagnosed with cancer in 2018, now in remission, I have watched what I put into my body, from the foods that I eat to the medicines I consume. Since then, all my medical treatments have been accepted with informed consent, except I am now expected to comply with a highly questionable mandate.

11. Vaccinations have always contained the possibility of adverse reactions. Here, information about COVID-19 vaccine reactions is reportedly being highly suppressed. Yet there is this mandated attempt to force me to comply with this mandate, which if I submit, I assume all the risk. *The National Childhood Vaccine Injury Act of 1986* protects vaccine manufacturers

from civil liabilities and limits me and my family from adequate recourse in the event of injury or death. This holds true, unless “such manufacturer engaged in the fraudulent or intentional withholding of information; or such manufacturer failed to exercise due care.”

12. If this were the case, as the possibility does exist for such corruption, nobody should be taking such risks, at least not without informed consent and the freedom to choose. Therefore, the Shulchan Aruch, the authoritative rabbinical code accepted by every Torah observant Jew, states that if there is a dispute among the medical experts in which 100 doctors (majority of experts) claim a preventative act would be safe, yet just two doctors (minority of experts) claim the same act is unsafe while considering unknown risks, we do not take the risk. These two doctors are like witnesses in these matters and their opinions are on par with the majority (Orach Chayim 618:3-5). By the authoritative teachings of the Shulchan Aruch, I most definitely cannot receive such vaccines, even more so given that serious risks are known.

13. As of this date, my RAR is still pending a decision. The Air Force has made it clear that I should not expect a favorable response given its demonstrated hostility to religious accommodations.

14. The following retaliatory, career damaging, negative, punitive, or administrative actions have been taken against me for refusing the alleged COVID vaccine and requesting a religious accommodation request: I have been restricted from traveling. I was denied a deployment to Saudi Arabia in October 2021. I am not able to attend Squadron Officer School (SOS), a Professional Military Education (PME) course required for U.S. Air Force Captains. Without this course, I will not attain the next rank of Major. Currently the AF Chaplain Corps College is

looking to fill slots for the next Spiritual Leadership Course, which is a chaplain specific development course. I also cannot apply due to travel restrictions on the unvaccinated.

15. All the above retaliatory actions have damaged my opportunity to complete a successful career as an Air Force Chaplain that is and will be difficult to remedy. In addition, I am being threatened with a “general discharge” for misconduct which, for a chaplain, would be a disgraceful comment on my 15 years of faithful service; limit my opportunity for follow on ministry; deny me VA benefits I have earned and remain a lifelong stigma for following the commands of my conscience as formed and directed by my Orthodox faith. This is unlawful and unjust.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

April 14, 2022

A handwritten signature in black ink, appearing to read "Gerardo Rodriguez", written over a horizontal line.

GERARDO RODRIGUEZ

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CH (CPT) Parker Schnetz

Pursuant to 28 U.S.C. §1746, I, Parker John Schnetz declare as follows:

1. My name is Parker Schnetz. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of the Army mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside at [REDACTED] Ansbach, GM 91522. My home of record and where I am domiciled is Lacey, Thurston County, Washington.
4. I am an active duty chaplain in the United States Army serving at the rank of Captain. I am currently assigned to the 5th Battalion, 4th Air Defense Artillery Battalion (5-4 ADAR), 10th Army Air and Missiles Defense Command (10AAMDC), USAG Ansbach, Shipton Kaserne, APO, AE 09177, Germany.
5. I began my military service on September 5, 2016 when I was commissioned as an active duty chaplain in the United States Army.
6. My promotions were as follows: Captain, September 3, 2017. I have approximately five years of service as of March 1, 2022.
7. During my military career, I have had the following deployments to either combat zones or foreign areas: 02/2018-11/2018, Republic of Korea; 01/2020-present, Germany.
8. I have received the following during my military career: Army Commendation Medal, Army Achievement Medal (1 OLC). Upon graduating the Chaplain Basic Officer Leader Course

(CH-BOLC), I received the Joshua Thomas Award for Excellence in Communication for Class 16-003.

9. I submitted my Religious Accommodation Request (RAR) at Exhibit 1 asking to be excused from the U.S. Army's COVID-19 vaccine mandate based on my sincerely held religious beliefs. It is my belief that receiving these immunizations would compel me to participate in what my faith teaches to be sinful. These immunizations burden the exercise of my religion by compelling me to participate in the sinful practices of murder, defilement, and conformity.

10. I tested positive for COVID-19 on October 18, 2021 at the USAG Ansbach Health Clinic. While infected, I did not spread COVID-19 to anyone else, as concluded by unit contact tracing. Additionally, I have a positive antibody test dated 23 February 2022. I am 37 years old and in great health. I have no pre-existing medical conditions and am not taking any medications. Based on my natural immunity, I believe that I should be exempt from the mandatory immunization in accordance with AR 40-562. This argument is not reflected in my RAR as the request was written prior to my infection. The Army in no way recognizes that I have natural immunity.

11. My RAR is still pending but I expect that it will be denied based on what I have heard from my chain-of-command and the Chaplain Corps. I was told by my battalion commander that RARs would most likely be disapproved and that I could expect to be separated soon. I understand that commanders have been instructed from higher to recommend disapproval. RARs in my command have routinely been sent back, instructing commanders to strengthen their language for disapproval. These memos are being updated with new information, however, I am unable to edit or adjust my request. This leads me to believe that this is not a fair process as the outcome has been gamed from the beginning.

12. I have a serious objection to using a rapidly developed vaccine without sufficient long-term studies to back its safety. As a Christian, I am called to use wisdom in every decision and consequent action that I take. I do not believe that it is wise to receive a vaccine that is ineffective in protecting from disease and thus does not meet the standard for what has historically been defined as a “vaccine.” Additionally, I do not believe that it is wise to receive a vaccine with known and yet unknown negative side effects for a disease to which I have natural immunity.

13. In early 2021, upon the initial roll-out of the EUA immunizations, I was challenged by my supervisory and command chaplain, as to when I would be getting vaccinated. I stated that I had not put too much thought into it at that time—since it wasn’t mandatory—and that I didn’t necessarily see an issue with getting the vaccine since I had received others in the past. He stated that if I was not vaccinated, I would be unable to participate in the upcoming multi-national training exercise, Saber Guardian 21. I responded that I would wait to decide on vaccination until it was mandatory. He threatened that if that was the case, I would not be able to fulfill my duty for the exercise and that he would have to report to the commanding general that he had a chaplain who could not provide religious support. He added, that if this was the stance I was going to take, that I should consider returning to civilian life and ministry.

14. During another conversation with my command chaplain and command surgeon I was again pressured to receive the EUA vaccines. They were dismissive of my concerns and reasons for waiting to make a decision until it was mandatory. One of the concerns I raised was that my wife was hesitant towards me getting the vaccine. The command surgeon said that there was a vaccine drive the following day and that I should just go and not tell my wife (on another

occasion the command chaplain stated that my wife should have no say in what medical care I get and that she doesn't even need to know). The command surgeon also warned that all the officers within the command would be evaluated based in their COVID vaccination status. No one who was unvaccinated would receive a Most Qualified (MQ) rating on their Officer Evaluation Report (OER). Of note, I did not receive a MQ on my next OER.

15. While the vaccines were voluntary, I was asked repeatedly by my command chaplain when I would be getting vaccinated, even though I had stated I would not decide until it was mandatory. During this period I continued to research the vaccines and pray about receiving them. My conviction grew that receiving these vaccines would be both unethical and opposed to my religious beliefs and practice. I am deeply troubled by the coercion, control, and fear that has accompanied the rollout of these vaccinations in the U.S. Army. This concern has only grown with time.

16. When the vaccines became mandatory, I included my name on a tracker requested by my higher headquarters (10AAMDC) of those who would be requesting a religious accommodation for the COVID-19 immunizations. When my command chaplain saw that my name was on this list, he was irate. He berated me for not having let him know beforehand, although the mandate was not yet in effect. He demanded that I send him my RA memo, even though it was not yet due for submission and he was not in the routing chain for approval. I pushed back on why he needed to see it, but he refused to change his mind and demanded I send it. He stated that when I sent it, he would offer feedback. I sent him the memo and he did not in fact offer any feedback. Also, he expressed that I should begin looking for another job because from what he was hearing from the

Chaplain Corps, these requests would not be approved. Once again, everything up to this point was before the mandate.

17. The chaplain interview for my RAR was conducted by a chaplain from United States Army Europe and Africa (USAREUR-AF). The interview lasted no more than five minutes, part of that time involved the chaplain hastily reading through my request. I received the memo back from the chaplain a few minutes after the interview. I was left with the clear impression that minimal effort was spent on supporting my request.

18. I was restricted from performing the required chaplain interview for the Soldiers within my unit. This is in direction opposition to the standard operating procedures developed by the Chaplain Corps for RA requests. I was warned by both my battalion commander and command chaplain that I needed to parrot the Army's position on vaccines when I interacted with Soldiers contemplating a RAR. The command chaplain told me that I had no say or voice when it came to medical decisions—as a chaplain this was out of my “lane.” He stated that it was my responsibility to assuage any religious concerns Soldiers might have to receiving the vaccine. He warned me that the battalion commander had doubts to whether I could continue performing my duties.

19. In our initial counseling from the battalion commander on vaccine refusal, a non-commissioned officer (NCO) stated that he would receive the vaccine if the bottle was labeled “Comirnaty.” The unit physicians assistant (PA) assured this NCO that the bottle would indeed be labeled “Comirnaty.” The USAG Ansbach Health Clinic did not have bottles labeled “Comirnaty.” During this counseling, I brought up the fact that this decision was placing a tremendous amount of strain on Soldiers and Families—the Army was making Soldiers choose

between what the Army wanted and what their spouse and family members wanted. The battalion commander replied that they can “get over it,” “stop being so afraid,” and it was no problem for them to “get out.”

20. I have personally counseled officers and NCOs who were threatened to not even submit a RAR. One such officer actually rescinded his request based on this pressure and coercion.

21. I have received no support or concern from the Chaplain Corps throughout this process. My command chaplain has repeatedly stated that this is not a religious issue and should not be one for me. He laughed out loud when I stated that I considered it a paramount ethical issue to forcibly require a medical treatment without consent. He has likened my RAR for these immunization to a Soldier putting in an RAR because they “didn’t want to wear pants to work.”

22. From October, 2021 to March 2022 I was required to wear a mask at all times, even though I had natural immunity. The vaccines have had no discernible affect on protecting from or stopping the spread of COVID-19 within my unit. In fact, our COVID-19 cases have increased since vaccination started. We are still in a steady-state of COVID positives. Despite this, the command team has repeatedly singled out the unvaccinated as the problem. At battalion formations, the battalion commander and command sergeant major regularly report on the number of unvaccinated Soldiers within the unit. Comments such as “most of you are doing the right thing, we just need a few more to get on board” have been routine. This issue was framed as selfless vs. selfish and team-player vs. self-focused. Additionally, Soldiers were warned that the unvaccinated could infect them even though they themselves were vaccinated.

23. Since March 4, 2022, there has been no requirement to wear a mask for either vaccinated or unvaccinated. Yet, my battery, battalion, and brigade commander's RAR memos still state that my unvaccinated status is a threat to unit readiness.

24. In addition to what has been mentioned, additional retaliatory, career damaging, and negative actions have been taken against me for refusing the alleged COVID-19 vaccine and requesting a religious accommodation request.

I have been restricted from performing essential duty requirements. Currently, I am unable to provide battlefield circulation to forward units due to the Department of the Army restriction on TDY travel. I can freely interact with Soldiers within garrison, but I cannot travel to do so. This make no sense whatsoever, and it has a direct impact on unit readiness. I am unable to provide spiritual and religious support to five platoons which are currently deployed to eastern Europe in order to deter Russian aggression. This inability has a tremendous negative impact on my officer evaluations and career. Successfully performing this battlefield circulation would be the highlight of my next OER.

I was selected to attend the resident Chaplain Captains Career Course beginning in January 2023, but am currently restricted from PCSing to due my unvaccinated status. Missing this required course would have a negative affect on my career timeline and promotion.

I have no reason to believe that my unvaccinated status will not have a direct impact on my next OER. It has been made clear that we, the unvaccinated, are not "good" leaders.

25. By not receiving this "vaccine," I am being threatened with a General Officer Memorandum of Reprimand (GOMAR) and general discharge. This is an incredible burden on my family and our future. I am married with five children with another child due in August 2022.

We are currently stationed overseas and have no home back in the states. I have no job to go back to. If discharged, we would essentially have to completely start over after leaving everything to serve our country in 2016. I am by no means wealthy, my father was a pastor and I paid my own way through college and a four-year seminary. Separation would have a long-lasting financial impact on the future of my family. A discharge in this way would make it difficult for me to find employment as my service would be tarnished and I will be characterized as disloyal and unwilling to obey orders.

26. For the last seven months, we have lived in fear that our livelihood could be pulled out from beneath us at any moment. This has put a tremendous amount of stress on my wife and children that cannot be overstated. Likewise, I have been burdened by the emotional weight of being forced to choose between standing for what I know to be right and supporting my family. No one should have to make that choice, especially one who's job description includes that he be a moral and ethical leader. Without question, this has been the most difficult year of my life.

27. If the Army separates me they would sacrifice the spiritual readiness of my unit comprised of 570 Soldiers and their Families, as well as the readiness of a garrison of over 6,400 Soldiers, Families, and DA Civilians. I am a senior captain chaplain who has selflessly served both God and Country. I have been designated as having "unlimited potential" from my initial evaluation in BOLC through my subsequent OERs. I have always set the standard for what an Army officer and chaplain should be and do. I am a proven leader, counselor, and a subject matter expert in the prevention of suicide. I am dedicated to mentoring junior leaders and have created multiple programs to nourish character development. I am heavily invested in improving relationships and have created teaching materials used by numerous chaplains to train couples

during Strong Bonds events. I have been gifted in my ability to teach and communicate as a religious leader. I am unique in my commitment and dedication to the garrison religious support mission. I serve in chapel every Sunday—which far exceeds the standard. I sacrifice personal time, weekends, and holidays to produce excellent chapel messages. I regularly support the Protestant Women of the Chapel by speaking at events and weekly gatherings.

28. I joined the Army to serve my Country as a moral and ethical religious leader. The Army is demanding that I bend the knee and become an immoral, unethical follower. I can't help but feel that they want to eliminate either my faith and freedom, or my future.

29. I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

April 25, 2022


Parker J. Schnetz

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF LIEUTENANT RICHARD SHAFFER

Pursuant to 28 U.S.C. §1746, I, Richard Shaffer declare as follows:

1. My name is Richard Shaffer. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of Navy mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside at Camp Lejeune, NC. My home of record and where I am domiciled is Placerville, El Dorado County, California.
4. I am an active duty chaplain in the United States Navy serving at the rank of Lieutenant. I am currently assigned with the United States Marine Corps at 1st Battalion, 2d Marines, Fleet Marine Force, PSC Box 20094, Camp Lejeune, NC 28542-0094.
5. I began my military service in March 2008 when I commissioned as a Navy Chaplain Candidate while a student at Denver Seminary. In November 2014, I commissioned through the Direct Commission Officer program as a chaplain in the Navy Reserves. On April 14, 2016, I began Active Duty Service. My date of rank is November 2015.
6. I have approximately 6 years of service as of April 18, 2022.
7. I have received the following awards: Navy and Marine Corps Achievement Medal and the Navy and Marine Corps Commendation medal.
8. I submitted my Religious Accommodation Request (RAR) (or Religious exemption) at Exhibit 1 asking to be excused from the Navy's COVID-19 vaccine mandate based on my sincerely held religious beliefs. A summary of those reasons follows: I believe that a public

religion has emerged surrounding COVID 19 and the vaccine is the central right of that public religion. To receive the vaccine would be to affirm this public religion and akin to idol worship, thus violating my deeply held Christian beliefs that I am not to engage in idol worship.

Furthermore, I believe that fear has placed an outsized and significant role in policy, attitude, and approach in response to the virus. This fear so prevalent, contradicts the core tenet of my faith that I will not live by fear. To receive the vaccine would be to directly contradict this.

Additionally, I cannot in good conscience receive the vaccine because fetal cell lines from an abortion were used in the early testing phases of the vaccine's development. I cannot knowingly or willingly participate in any medical intervention that uses aborted fetal cell lines in any phase of its development or creation.

I was infected with COVID 19 in July 2020, and again with the Omicron variant in January 2022. I believe that this natural immunity provides me equal to or superior protection against future serious COVID 19 infection which would result in serious illness or death.

9. My RAR was denied on 30 November 2021, Exhibit 2. I submitted my RAR appeal, Exhibit 3, on 20 December 2021, which is still pending.

10. I have serious objections to rapidly developed 'experimental use only' vaccines due to safety concerns that cannot be known until the appropriate time has passed to ensure their safety. The ever changing 'science' on the COVID 19 vaccines, coupled with the emerging data about DNA conversion, adverse events, and potential long term problems, are just a few of the reasons I object to the COVID 19 shot. Moreover, I object to the COVID 19 vaccination because they are not legitimate vaccines as that term has been historically and medically defined and presented to the public. "Vaccine" used to mean a medical procedure that protected you from the disease against which you were being vaccinated against, whereas COVID 19 vaccines do not protect

you from acquiring the virus, but are in reality a treatment to try and prevent serious illness or death.

11. I would accept Comirnaty if it were available no earlier than 5 years after its first manufacturing and official FDA licensing, but most likely not until after the 8 year mark, which is the average time that the FDA has taken to approve almost all 'vaccines' during the years 2010-2020. If at that point, it is has been demonstrated to be safe and effective, and I am comfortable with its side effects, there is a high probability I would take it.

12. As with all other Service Members, I have been denied the presumption of natural immunity by the Department of Defense. While no official action has yet been taken against me, it has been expressed to me by my supervisory chain of command that I will be moved out of my current position sometime in May 2022 and will not deploy to Okinawa with 1st Battalion, 2nd Marines in August for the single reason that I am unvaccinated. To the best of my knowledge, this is in some way connected to the Navy's COVID 19 guidance published in NAVADMIN 092/22. I have not been given any formal written guidance or any other document that established official Marine Corps policy related to COVID 19, nor is there a MARDAMIN message available or published which provides such guidance.

13. I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

April 18, 2022

A handwritten signature in black ink, reading "Rick Shaffer", written over a horizontal line.

Richard Shaffer



DEPARTMENT OF THE NAVY
HEADQUARTERS, UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

1730
MRA
NCV 30 2021

From: Deputy Commandant for Manpower and Reserve Affairs
To: Lieutenant Richard P. Shaffer 1380589725/4100 USN

Subj: REQUEST FOR IMMUNIZATION EXEMPTION

1. I have carefully considered your request for an immunization waiver. Your request is denied.
2. In making this determination, I considered your request dated 27 September 2021, the command endorsements, advice from the Director, Health Services, Headquarters, U.S. Marine Corps, and the recommendation of the Religious Accommodation Review Board. Additionally, I considered your right to observe the tenets of your sincerely held religious beliefs, and the government's compelling interests in mission accomplishment, including military readiness and the health and safety of the Total Force. I also considered whether an exception to the vaccination requirement is the least restrictive means of furthering the government's compelling interest. Finally, I consulted with legal counsel.
3. Per DoDI 1300.17, my decision must be consistent with mission accomplishment, including consideration of potential medical risks to other persons comprising the unit or organization. Immunizations are a critical component of individual and unit readiness. This compelling interest is not unique to the COVID-19 vaccination, and cannot be accomplished with the requested exception. I find that there is no less-restrictive way of accommodating your request that ensures military readiness and the preservation of the health of the force.
4. You have the right to appeal this decision to the Commandant of the Marine Corps. Should you decide to appeal this decision, your appeal should be in naval letter format, from you, addressed to the Commandant of the Marine Corps. Forward your appeal to the point of contact below, for delivery to the Commandant.
5. Point of contact on this matter is Mr. Bill McWaters at (703) 784-9386 or william.mcwaters@usmc.mil.


DAVID A. OTTIGNON

Copy to:
CG, 2D MARDIV
CO, 2D Mar
CO, 1ST Bn

Enclosure 1

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF LT JONATHAN C. SHOUR, CHC, USN

Pursuant to 28 U.S.C. §1746, I, Lieutenant Jonathan C. Shour, Chaplain declare as follows:

1. My name is Jonathan C. Shour. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of the Navy mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside at Jacksonville, NC. My home of record and where I am domiciled is Coeur d' Alene, Kootenai County, Idaho.
4. I am an active duty chaplain in the United States Navy serving at the rank of Lieutenant. I am currently assigned to the United States Marine Corps at the Marine Corps Installation – East Chaplain's Office at Marine Corps Base Camp Lejeune, 67 Virginia Dare Blvd, Camp Lejeune, NC.
5. I enlisted in August of 2005 and served as a Foreign Language Analyst in the U.S. Air Force after graduating Basic Military Training with honors and completing the Defense Language Institute/Foreign Language Center's Korean Basic course in the top of my class. I served six years on Active Duty as a language analyst during which time I was called to become a chaplain. I left the Air Force at the end of my enlistment, selected for Technical Sergeant (pay grade of E-6), in the pursuit of my education and training to become a chaplain. I completed my Bachelor of Arts in Ministry with honors and later achieved my Master of Divinity, graduating Summa Cum Laude. I was commissioned in March of 2014 into the Chaplain Corps in the U.S.

Air Force and completed the Chaplain Corp's College's Basic Chaplain Course with Academic Honors (the only award offered that cycle). I served as an Air Force chaplain until July of 2021 when I commissioned into the U.S. Navy as an Active Duty Chaplain to continue my ministry with the Sailors, Marines, and Coastguardsmen.

6. As a Chaplain, I assist members in their free exercise of religion, and help to ensure the constitutional rights of the military force as a whole. I serve to provide religious rites and services in accordance with the tenets of my faith and provide for the religious and spiritual needs of all through referral, counseling, and other services to ensure their care. As a Chaplain, I advise leadership at many levels on a variety of religious needs as well as ethical, moral, and morale issues. I have approximately 16 years of service as of 1 April 2022. I have not pursued anything other than honorably serving 20+ years of military service to retirement or beyond. I have often said that I will serve as long as "God and the Air Force (now Navy) have need of me" and I plan to continue serving so long as God calls me to do so.

7. During my military career, I have been assigned to seven different duty stations around the continental United States and overseas, serving in both training and operational environments. I have also deployed from Jul 2020 to Jan 2021 to Qatar during the COVID pandemic in support of Operations Spartan Shield, Inherent Resolve, and Freedom's Sentinel.

8. I have received Air Force Commendation Medals, Air Force Achievement Medals, AF Outstanding Unit Awards, Global War on Terrorism Expeditionary Medal, Armed Forces Service Medal, Military Outstanding Volunteer Service Medal, and NATO Medal among others.

9. I submitted medical and religious exemption requests to the COVID-19 vaccination mandate as ordered by the Secretary of Defense and Secretary of the Navy based on my sincerely held religious beliefs. Additionally, I have positive serology for natural immunity to COVID-19 as evidenced by T-Detect™ T-cell test, conducted by the Adaptive Biotechnologies Corporation;

I believe that I was designed by a Creator who knows what He was doing when He gave us our immune system and I do not believe that any tampering from some fallen and sinful human creator is necessary or wise. I also believe that at least temporary exemption should have been considered based on my history of adverse reactions to previous vaccinations, the increased risk of adverse events for my age group, and unknown risk of spreading to my pregnant wife and young children which is in line with Navy guidelines in BUMEDINST 6230.15B which details Immunizations and Chemoprophylaxis for the Prevention of Infectious Diseases. I requested medical exemption on 10 November 2021.

10. On 18 November 2021, I received a call from the medical provider at the Naval Health Clinic New England (NHCNE) to whom I submitted my exemption request. He informed me that the request was denied, but refused to provide any documentation. I requested documentation of the reasoning for the denial. He declined to provide any and referred me to the Chief Medical Officer (CMO) of NHCNE. The CMO called me shortly after and he also verbally informed me that my request was declined. I again requested a reason and a written response to my request. He was unprofessional and reluctant, but indicated that I would receive something. The next day, on 19 November 2021, I received a written response. The denial was not properly formatted, did not include any clarifying information, and was not complete. The response was a single entry, entered into my record after the fact stating 'patient is healthy' and disregarded any of the concerns in my request or subsequent request for clarification. I inquired about receiving a second opinion and was informed that anyone can deny the medical exemption request and that there was no appeal.

11. After my medical exemption request was denied, I inquired about the supply of vaccines at the Naval Health Clinic New England (NHCNE), I learned that the only vaccines being offered were only authorized for use under Emergency Use Authorization (EUA). On 24

November 2021 I requested temporary exemption under DoD/Navy guidance outlining temporary exemption for a lack of vaccine supply. On 30 November 2021, the Chief Medical Officer (CMO) of NHCNE responded via email to my Commanding Officer and said “Here is the BUMED Memo that authorizes the use of either Pfizer vaccine as they are the same composition to meet the mandatory vaccination requirement. As well we have the FDA-approved vaccine in stock that he could get.” The CMO indicated that there are two Pfizer vaccines, then specifically went on to say that they did have the ‘FDA-approved’ vaccine clearly indicating a difference while falsely stating which of the two they had in stock.

12. In response to the Chief Medical Officer (CMO)’s email on 30 November 2021, I reported to the the Naval Health Clinic New England (NHCNE) on 2 December 2021 to confirm the availability of the ‘FDA-approved vaccine.’ I was told by multiple staff members that they had the ‘FDA-Approved vaccine,’ but they consistently referred to the Pfizer-BioNTech COVID-19 EUA vaccine product (hereafter referred to as the Pfizer EUA vaccine). I asked for the FDA-Approved vaccine, Comirnaty (COVID-19 Vaccine, mRNA). I was offered to see the vials for the vaccine they claimed was ‘FDA-Approved’, the same vials of the vaccine product they said that they had been using that very day. The product offered to me as the ‘FDA-Approved vaccine’ by the ‘staff/provider(s) at NHCNE was the Pfizer EUA vaccine from a lot that was not compliant with the Biologics License Application (BLA) for Comirnaty (COVID-19 Vaccine, mRNA). There was no doubt that this product offered to me was not FDA-approved. It was clear that after engaging medical professionals at NHCNE, they did not have the FDA-approved vaccine; however, they were claiming that they had the FDA-approved vaccine and were offering a clearly EUA vaccine product to service members. Even worse, the vial that the corpsman said they just used that day, was expired and I was offered no explanation for the expiration. I took photographs of the vials, clearly marked EUA, NDC: 59267-1000-1, Lot

Number: 30135BA, Exp Date: 11/21. It was clearly not FDA-approved, nor was it one of the 'BLA-compliant lots' that could remotely be considered for mandatory use without presidential waiver.

13. On 10 December 2021, I initiated a religious accommodation (RA) request for exemption from the COVID-19 vaccination mandate and subsequent policies. I have always expressed that for me my concerns have been both with prior medical issues and a matter of conscience. My RA was submitted on 21 December 2021. It was later returned for corrections and resubmitted on 12 January 2022. On 16 February 2022, I received back an initial denial of my RA from the Deputy Chief of Naval Operations (DCNO N1) dated 6 February 2021. The denial did not address my individual case. Nor did the denial demonstrate on any level how the compelling interest of the government was furthered in anyway by the substantial burdening of my sincere and deeply held religious beliefs. Additionally, the denial was not a complete package as the Navy failed to return documents that were used in the decision. I was also given an arbitrary time restriction by my command to submit an appeal, two days of which were on the weekend. I appealed the initial denial on 20 February 2022. I am pending my appeal's denial. My experience has shown the religious accommodation process in the Navy to be 'mere theater,' and I have witnessed the documents that confirm this belief. I am anticipating orders to get the first COVID shot within five business days of the denial, a report of misconduct, notification of separation proceedings, and administrative separation unless there is court intervention.

14. Since the beginning of the Secretary of Defense and Secretary of the Navy's mandate, I have been assigned to in three different commands and have experienced coercive, abusive, and discriminatory actions in each.

15. On 22 August 2021, I began the Officer Development School (ODS) at Officer Training Command Newport (OTCN) in Newport, RI. On 23 August 2021, the Food and Drug

Administration (FDA) approved the Biologics License Application for Comirnaty, (COVID-19 Vaccine, mRNA). That same day, all the unvaccinated members in ODS were pulled aside by OTCN staff and told of the approval and told that the vaccine was now mandatory and asked if anyone wanted to receive the shot. Of the original 11, six submitted to vaccination under the guise that it was 'approved'. Later that week the remaining five unvaccinated members of ODS were pulled out again. The harassment and coercion was consistent at OTCN. I was counseled that I stood to lose my career, retirement, and benefits from my service, I was separated from the vaccinated population, subjected to 'short term enhanced monitoring' only for the unvaccinated, made to submit to discriminatory COVID testing every other day for a period of time while the vaccinated were not, made to eat separately from others or not able to utilize the galley for meals with the vaccinated, made to wear a mask differently than the vaccinated, threatened to be held over in training simply because of my vaccination status, threatened to have my orders cancelled because I was not vaccinated, refused medical testing for COVID antibodies, told I was an "issue" by the Director of ODS and that I had a "rigorous road" ahead of me because I am unvaccinated, disallowed from having my wife come see my course graduation, pulled out of class to get 'counseling' regarding vaccinations, and more. The vast majority of these events happened within three weeks of the FDA 'approval' as it emboldened mandates and other leadership to push the issue to coercive levels. By the end of the five week training course, only four of the original 11 unvaccinated members remained after the extensive harassment of the OTCN staff.

16. On 23 September 2021, I completed training at Officer Training Command Newport (OTCN) and transferred for additional training at the Naval Chaplaincy School (NCS)'s Basic Leadership Course (BLC). Upon entry into BLC, the entire class was pushed to get the 'vaccine' and to have their vaccination cards available at all times. The instructor said that upon

graduation, anyone without the COVID-19 vaccine would be held over after training, pay out of pocket for lodging, and would be assigned whatever “menial tasks they could find” to occupy time. Later policy and guidance informed me that I would receive an adverse fitness report, be separated, lose educational benefits, transition assistance, career credit, and more.

17. During my time in the Naval Chaplaincy School (NCS)’s Basic Leadership Course (BLC), I was frequently pulled out of class by the NCS staff and harassed about my vaccination status, my intentions to be vaccinated, and my private medical concerns. I was questioned by NCS staff about whether or not I would even be allowed to submit a religious accommodation request. The NCS staff shared my private health information widely with other members without any need to know. Some days it was multiple times a day that I was pulled from training to be micromanaged and harassed about my vaccination status. I heard many NCS staff members and high-ranking leaders of the Navy chaplain corps express their support of coercive policies, their complicity in the abusive mandate, and disregard for the religious freedom of the force. I have even heard senior members of the chaplain corps revel in the release of the Navy policy outlining the harsh and abusive measures that would be taken against the ‘refusers’; the chaplain was happy that people would be able to see the high cost of applying for religious accommodation so that less people would come to request accommodation and the chaplain corps would have less work to process the requests.

18. While at the Naval Chaplaincy School (NCS), I was ordered by my command on multiple occasions to report to the medical clinic to meet with medical providers who had no patience for anything other than people lining up to get the shot. I tried to engage with the providers and voice my concerns and they all disengaged. When asked if I could send them questions of my concerns, they would not provide a means for me to do that or would direct me to someone else. I requested a certain medical provider and my request was diverted; I later found out that the

provider I requested was loyal to their Hippocratic Oath and the ethical principle of ‘do no harm’ and I was instead directed to the director of the immunizations clinic who would be better willing to push the vaccination. Later, upon reviewing my medical records, I saw unprofessional and inaccurate entries entered into the system from doctors that I was made to see.

19. On 5 November 2021, I was informed by the Naval Chaplaincy School (NCS) staff that told me we would get to execute our change of station (PCS) down to Camp Lejeune, NC, but that my orders would be changed. Because of my vaccination request, my orders were changed from the School of Infantry – East (SOI-E) to the main installation’s chaplain office. The reassignment was to a lower priority of assignment. I was originally assigned to SOI-E because of my prior experience because it was a higher priority assignment. The reassignment to a lesser assignment does unknown future harm to my career that can likely not be undone. This change was made solely because of my desire for exemption from the COVID-19 vaccination requirement.

20. Shortly after this change, during the week of 15 November 2021, we coordinated for our move, we packed our stuff, rented a U-Haul trailer, canceled our lodging reservations, etc. in line with the direction that we received on 5 November 2021. On 17 November 2021, the evening before my graduation, I was instructed to stay late after class by the Naval Chaplaincy School (NCS) staff and told that I would be held over at NCS pending the results of my request for exemption from the COVID-19 vaccine. I asked for, but was not given any written guidance to this at the time and have not received it since. I was held over without official notification from the assignments officer in violation of Navy regulations. My leadership refused to share communication and documentation regarding my hold over so that I could file for reimbursement of lodging and per diem expenses.

21. On 24 November 2021, I requested Captain's Mast, a meeting with my Commanding Officer (CO), the CO of the Naval Chaplaincy School (NCS), and requested exception to policy (ETP) from the change of station (PCS) hold so that my family and I could complete our move already in progress to NC as originally ordered. The CO denied my ETP request, he denied to even make a call to inquire about ETP on my behalf as I requested.

22. Because of my exemption request, I was held over by the Naval Chaplaincy School (NCS) for months. While held over, my family of five – myself, my pregnant wife, three children ages 7, 5, and 2 – and our dog – had to live in a hotel for months with no end in sight. In total we were held over 100 days in the hotel after training, paying out of pocket, and not allowed to proceed on to our next duty station. My wife was forced to home school our children as they were unable to attend local schools. My wife is due with our fourth child and we anticipated having the child while there, bringing the baby 'home' to a hotel room. My wife struggled to keep some semblance of a schedule and regular life while confined to a single hotel room with limited resources. We spent Thanksgiving, Christmas, and New Years, as well as most of our family birthdays this past year there in the hotel. We were unable to obtain suitable housing there while temporarily assigned, as my status did not allow us Basic Allowance for Housing for the area or access to military housing. Additionally, our household goods were already in storage at our next duty station and we were not allowed to transfer our household goods to NCS for access to any of our household goods (clothing, baby items, etc). We had to spend over \$2,500 dollars to purchase replacement household necessities for our family because we were not able to get to our household goods in storage. The Navy's heavy-handed vaccine mandate, and the Navy's treatment of my family made them effectively homeless for over seven months doing immeasurable harm to my wife and children's emotional wellbeing and mental health. The abusive hold over turned what should have been a relatively brief three months of training en

route to my next duty station into an indefinite detention while we waited for adjudication of my exemption request.

23. Additionally, while held over at the Naval Chaplaincy School (NCS), I was not able to perform my duties as a Chaplain. I was ordered by the Commanding Officer of NCS to ‘telework’ but assigned no work. I tried to find useful projects that I could do in holdover status, but did not receive any responses from proposals that I sent to the NCS staff. I was not gained to a unit nor did they grant me correction of basic administrative assistance to correct my personnel record and basic pay issues; to date the Navy owes me approximately \$50,000 in back pay and travel reimbursement. I was even excluded from performing religious rites and services that were offered to the other members of my command; as a result events went unsupported when I was willing and able to assist.

24. I repeatedly tried to engage my command members at the Naval Chaplaincy School (NCS) on concerns such as the legalities of EUA and FDA-Approved products, medical negligence, and religious discrimination by the military. My concerns fell on deaf ears, were ignored, and I was dismissed with an “I care, but I don’t care” attitude. That being an actual quote from one of the members of NCS staff when I expressed my legal concerns about mandatory testing.

25. After months of probably illegal hold over, on 28 February 2022, I received a call from my supervisor and was told that Navy Personnel Command approved my exception to policy (ETP) that I requested on 3 February 2022. I was told that I would be detaching on 3 March 2022. My family and I were given no notice and only two days to pack, vacate, and move on to our next duty station. I was not given the option to extend or have any additional time. A mentor suggested that we were pushed out so quickly as a punitive measure; given my wife being nine

months pregnant at the time, we could have been given consideration as there was no operational reason that my family had to move so quickly.


26. On 5 March 2022 I checked into my current command, Marine Corps Installation – East Chaplain's Office at Marine Corps Base Camp Lejeune. It has been made clear to me that the command is treating me differently because of my pending exemption request. I have not been assigned any primary duties. I have not been given a fully functional computer with which to do work. Everything has been discussed as 'short-term' as it seems quite obvious that my leadership is expecting denial and is limiting my duties because they know the appeal is prejudged to denial. My command chaplain (supervisor's supervisor) openly questioned my purchasing of a home because he alluded to the prejudged denial; I had to defend my personal choices to him. I have been told that I will only be assigned to cover for others as needed 'until my exemption request is resolved'. I have been approached by other chaplains and asked about my 'holding pattern' which makes it clear that my private health information is being shared in violation of law and regulation.

27. The Navy seems intent to cause as much harm as they can through administrative action. The laws seem clear that they cannot take punitive action such as Article 15 or Courts Martial against those of us who are still working through the limited administrative avenues that we have. While we stand up for our beliefs and the freedom for those who come after us to have their own beliefs at all, they cannot 'punish' us, but they can take coercive and abusive 'administrative' action. I have been told over and over that the 'administrative' actions including the Navy's holding me in limbo are not 'punitive' under Navy definition, but they stem from abusive policies that are inflicting very real and very defined harm on my family, myself, and others.

29. My vaccination status did not prevent me from continuing to execute my mission as a

chaplain while a member of two different branches of service over the past two years all during the 'pandemic.' I have completed temporary duty assignments and Permanent Changes of Station for the Air Force and the Navy, deployment overseas, cross-country and international travel for personal and mission-essential travel, and other tasks and projects as required to accomplish the mission and care for those in need. The only impact to the mission has been from the completely unnecessary and wholly self-inflicted harm caused by the services' own policies. I have heard that "The courts do not make good generals", but I pray for the courts intercession regardless, because currently the 'generals' are shooting themselves in the foot. It does not take any military experience to see that it needs to stop for the thousands of service members who have submitted an exemption request, for the tens of thousands – if not hundreds of thousands – more who would have if not for the coercive and abusive policies, and for the innocent families who have become collateral damage in the 'generals' war against their own military service members.

I declare under penalty of perjury, under the laws of the United States, that the foregoing statements are true and correct to the best of my knowledge. Executed this 1st of April 2022.



LT Jonathan Shour, CHC, USN



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

1730
Ser N1/118077
6 Feb 22

From: Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (N1)
To: LT Jonathan C. Shour, CHC, USN
Via: Commanding Officer, Naval Chaplaincy School (NCS)

Subj: REQUEST FOR RELIGIOUS ACCOMMODATION THROUGH WAIVER OF
IMMUNIZATION REQUIREMENTS

Ref: (a) 42 U.S.C. §2000bb-1
(b) DoD Instruction 1300.17 of 1 September 2020
(c) SECNAVINST 1730.8B
(d) ASN (M&RA) memo of 6 Jun 13
(e) MILPERSMAN 1730-020
(f) United States Attorney General memo of 6 Oct 17
(g) Your ltr of 21 Dec 21 w/ends
(h) BUMED ltr 6320 Ser M44/22UM40293 of 24 Jan 22

1. Pursuant to references (a) through (h), your request for religious accommodation through waiver of immunization requirements is disapproved. You must receive all required vaccines. However, you are free to request from your healthcare provider alternative vaccines that are available and meet the Navy's immunization requirements, as determined by a credentialed military healthcare provider. You are free to choose which COVID-19 vaccine to take. If you choose a COVID-19 vaccine that requires two doses, you must receive your first dose within five calendar (5) days upon receipt of this letter and complete the series as prescribed. If you choose a one-dose vaccine you must receive the vaccine within five calendar (5) days upon receipt of this letter.

2. In line with references (b) through (d), I am designated as the approval authority for requests for religious accommodation.

3. Reference (a), the Religious Freedom Restoration Act (RFRA), states that the Government may substantially burden an individual's exercise of religion only if it demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. Reference (b) incorporates the RFRA and notes that the Government has a compelling interest in mission accomplishment, to include military readiness, unit cohesion, good order and discipline, health and safety, on both individual and unit levels. Additionally, unless it will have an adverse impact on mission accomplishment, including military readiness, unit cohesion and good order and discipline, the Navy will accommodate individual expressions of sincerely held beliefs of Sailors. Reference (f) emphasizes that only those interests of the highest order can overbalance legitimate claims to the free exercise of religion.

Subj: REQUEST FOR RELIGIOUS ACCOMMODATION THROUGH WAIVER OF
IMMUNIZATION REQUIREMENTS

4. All requests for accommodation of religious practices are assessed on a case-by-case basis. In line with references (b) and (c), determination of a request for religious accommodation requires consideration of the following factors:

- a. Impact on military readiness, unit cohesion, good order and discipline, health and safety
- b. Religious importance of the request
- c. Cumulative impact of repeatedly granting similar requests
- d. Whether there are alternatives available to meet the requested accommodation and
- e. How other such requests have been treated

5. In making this decision, I reviewed reference (g), including the endorsements from your chain of command, the local chaplain and the advice of Chief, Bureau of Medicine and Surgery in reference (h).

a. A waiver of immunizations would have a predictable and detrimental effect on your readiness and the readiness of the Sailors who serve alongside you in both operational and non-operational (including training) environments. Primary prevention of disease through immunizations has been a key enabler for maintaining force health and avoiding disease-related non-battle injury. Granting your request will have a direct and foreseeable negative impact on the compelling Government interests of military readiness and health of the force.

b. While serving in the U.S. Navy, you will inevitably be expected to live and work in close proximity with your shipmates. I find that disapproval of your request for a waiver of immunization requirements is the least restrictive means available to preserve the Department of Defense's compelling interest in military readiness, mission accomplishment and the health and safety of military Service Members.

6. The Navy is a specialized community governed by a discipline separate from that of the rest of society. While every Sailor is welcome to express a religion of choice or none at all, our greater mission sometimes requires reasonable restrictions. You have my sincere best wishes for your continued success in your Navy career.

NOWELL.JOHN.BL
ACKWELDER.JR.1
057611835

Digitally signed by
NOWELL.JOHN.BLACKWELDER
JR.1057611835
Date: 2022.02.10 13:16:51 -05'00'

JOHN B. NOWELL, JR

Copy to:
OPNAV (N131, N0975)
BUMED

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF MAJOR JEREMIAH DOUGLAS SNYDER

Pursuant to 28 U.S.C. §1746, I, Jeremiah Douglas Snyder declare as follows:

1. My name is Jeremiah Douglas Snyder. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of Army mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. My home of record is Killeen, Bell County, Texas.
4. I am an active-duty chaplain in the United States Army serving at the rank of Major. I am currently assigned to the United State Army Garrison Command, Fort Polk, Louisiana.
5. I began my military service on June 2001 when I began as a chaplain candidate while completing my theological training and completed chaplain candidate training in 2003. I commissioned as a chaplain to the United States Army Reserve (USAR) in late 2006 and deployed to Iraq 2008-2009; serving honorably in the USAR until transferring to Regular Army in the rank of Captain as an active-duty chaplain (RA) in 2013 to current (April 2022) now in the rank of major.
6. My promotions were as follows: Captain USAR 2007; made the major's board USAR in 2013 just prior to transferring to RA and did not accept the promotion for the purpose of transferring to RA. Transferred to RA as Captain in 2013 and promoted to Major in 2020. I have approximately 20 years of (USAR, IRR, and RA) service as of March 1, 2022. I have approximately 11 years toward active retirement and wish to continue with the United States Army until mandatory retirement.

7. During my military career, I have had the following deployments to either combat zones or foreign areas: Iraq 05/2008-04/2009; rotation to South Korea 06/2017-02/2018; and rotation to Netherlands, Poland, and Germany 10/2019-06/2020.

8. I have received the following: Meritorious Service Medal, Army Commendation Medal, Meritorious Unit Commendation Medal, National Defense Service Medal, Iraq Campaign Service Medal (x2), Global War on Terrorism Service Medal, Korea Defense Service Medal, Army Service Ribbon, and Overseas Service Ribbon (x2). Five of the six active-duty company grade officer evaluations earned Most Qualified and the sixth Battalion grade officer evaluation, the Brigade Commander's comment stated, "...in the top 2% of all officers I have served with in 24 years". I was selected for Advanced Civil Schooling in 2020 and in 2021 completed a Master of Applied Science in Marriage and Family Therapy.

9. I first submitted my Religious Accommodation Request (RAR) by email 26 OCT 2021, Exhibit 1, asking to be excused from the Army's COVID-19 vaccine mandate based on my sincerely held religious beliefs. A summary of those reasons follows:

1. Redress for religious exemption to the 24 AUG 2021 COVID-19 shot mandate (and subsequent amendments) in accordance with:

- a. The First Amendment of the U.S. Constitution: "...and to petition the Government for a redress of grievances";
- b. The First Amendment of the U.S. Constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof";
- c. Army Regulation 600-20-3 (a) (Army Command Policy) 6 NOV 2014.
- d. Standards provided in Army Directive 2018-19 (Approval, Disapproval, and Elevation of Requests for Religious Accommodation), 8 NOV 2018.
- e. Army Regulation 40-562 (Immunizations and Chemoprophylaxis for the Prevention of Infectious Diseases-10 JUL 2013).
- f. Army Regulation 165-3-3 (Army Chaplain Corps Activities), 23 JUN 2015.
- g. The Belmont Report: The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 18 APR 1979.

2. This request is based upon the conflict between my deeply held religious beliefs as it relates specifically to the three COVID-19 therapeutic shots that are available.

a. Regarding the Johnson & Johnson, Moderna, and Pfizer COVID-19

therapeutic shot: As a Christian, chaplain, father, grandfather, husband to one spouse, and community-citizen; my religious convictions are consistent with my patterned life practice and behavior in being an advocate for the value of life from conception to death. I hold a religious belief that my Creator began life at humanity's inception. I can't thus be complicit and violate my Creator's design for human conduct if I take part in this particular therapeutic treatment understanding that the undergirding research consisted of a prematurely terminated fetal life whereby that fetus(s) did not have say into life termination (this concept is taken from one of many supporting Scripture passages; Psalm 139, "For You formed my inward parts; You knitted me together in my mother's womb...I am fearfully and wonderfully made. My frame was not hidden from You, when I was being made in secret, intricately woven in the depths... Your eyes saw my unformed substance; in Your book were written, every one of them, the days that were formed for me, when as yet there was none of them" (ESV) as well as Exodus 21, "When there's a fight and in the fight the pregnant women who is hit miscarries...the one responsible has to pay...if there is serious damage, you must give life for life..." (MSG)).

b. Morality and Ethics: This concern is also supported by the **United States Standards for Research Ethics in the Belmont Report** when it states, "Respect for persons incorporates at least two ethical convictions: first, that individuals should be treated as autonomous agents, and second, that persons with diminished autonomy are entitled to protection. The principle of respect for persons thus divides into two separate moral requirements: the requirement to acknowledge autonomy and the requirement to

protect those with diminished autonomy” (The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, April 18, 1979). I thus believe that I will be committing sin by being complicit with the approach to the formation of this shot and violating my Creator’s intention for life and the preservation of life as well as violating the ethical and moral standards for research established in the Belmont Report. Lastly, my deeply held religious conviction is that when I am made aware of a sin of my past, that I must turn from continuing in the sin (wrong behavior) or pattern of sin and turn toward God. In the past 12 months (+/-), I have become increasingly aware of the history and undergirding process by which most vaccines and medications as marketed are created for which I was previously unaware. I have a longstanding life approach of aligning my outward behavior with my inward Christian beliefs and shaped conscience as I deepen my faith and convictions.

c. **Alignment of behavior with belief:** My deeply held religious conviction is that when I am made aware of a wrong, I have committed; I must cease from continuing in that sin (wrong behavior) or pattern of sin and turn toward God. In the past 12 months (+/-), I have become increasingly aware of the history and undergirding process by which most vaccines and medications as marketed are created for which I was previously unaware. I have a longstanding approach of aligning my outward behavior with my inward religious beliefs and shaped conscience as I deepen my faith and convictions.

d. **Regarding the Moderna and Pfizer mRNA therapeutic COVID-19 shot:** A key foundation consistent with my Christian faith and Scriptures is that a believing Christian is a living inhabitant of the Holy Spirit as a temple (one of several Scriptures related to this belief is from 1 Corinthians 6, “Do you not know that your body is a temple of the Holy Spirit within you, whom you have received from God? You are not

your own, for you were bought with a price. So, glorify God in your body” ESV).

Similarly, according to the tenants of my faith, from the inception of humanity, we believe that our Creator made humanity in His replicative image to represent Him on earth to glorify Him through our bodies, (Genesis 1:27, “God created humankind in His own image, in the image of God He created them; male and female He created them”). The process by which the Moderna and Pfizer operate in the human body fundamentally changes my Creator’s handiwork and how He genetically created me (Psalm 139, “You formed my inward parts; You knitted me together in my mother's womb” ESV). If I take this shot, I thus believe that I will be committing a sin by violating my Creator’s intended design for my body and will incur moral injury.

e. **Other Vaccines:** Should another vaccine be provisionally approved and available in the U.S. whereby there is no discoveries regarding the shot that conflicts with my deeply held religious beliefs; I am obliged to comply for the greater wellbeing of the formation and Army’s mission.

f. **Follow-On Assignment:** My follow-on assignment (projected 3 years) has me a Garrison asset as a Family Life Chaplain with limited close contact. I would thus be able to comply with safe distancing and still be an effective asset to the Army.

g. **My Health:** I am in top Army fitness and condition with NO comorbid health issues for risk of natural recovery should I succumb to the virus as indicated by the attached medical memo. Other unvaccinated close family members have become ill with COVID-19 as well as having comorbid conditions and have recovered without hospitalization and only home-based therapeutics.

10. The COVID-19 vaccine has not yet proven to be 100% safe, effective nor without any potential harmful side effects”, *see*

<https://www.cdc.gov/vaccinesafety/ensuringsafety/sideeffects/index.html>;

https://www.algora.com/Algora_blog/2021/10/02/dod-data-analysis-shatters-official-vaccine-narrative.

The Associated Press reported on December 27, 2021, the fully vaccinated USS Milwaukee had “[a]bout two dozen sailors or roughly 25% of the crew — have now tested positive for COVID-19[.]” “Officials: Nearly 25% [of fully vaccinated] Navy warship crew has COVID-19”, Lolita C. Baldor. <https://apnews.com/article/coronavirus-pandemic-health-jacksonville-us-navycb7d190b7c1c1c52f5441b56740d44de>. The Navy also reported “the USS Halsey, a destroyer, delayed its homeport move from Pearl Harbor, in Hawaii, to San Diego because a significant number of the crew became infected with COVID-19. *Id.* The Navy further reported “roughly one-third of the Halsey crew tested positive for the virus” although “the crew was nearly 100% vaccinated.” *Id.*

11. Between the months of September and October 2021, I had written and submitted via email, my request, Exhibit 1, to the U.S. Army Student Detachment. However, I was notified that the prescribed first official step needed to be a DA Form 4856 of the RAR, Exhibit 2, and was submitted to the U.S. Army Student Detachment via email on or about late October 2021, but I was notified by the intended receiver of the email that the government computer (this was in a location where there was no technical support with the troubled systems) stripped out of my PDF the information I had supplied. I resubmitted (DA Form 4856) via email using my personal email on or about 03 November 2021, Exhibit 3. In this email, I had requested to speak with both the first and second responsible commanders in the chain as related to my request and I received no opportunity to have a verbal with the decision makers in the process of my RAR. Later, when at my gaining unit (United States Army Garrison), I was required to again, resubmit a new RAR

(DA Form 4856) on or about 25 February 2022. My RAR is still pending any official notification.

12. **Alignment of behavior with belief:** My deeply held religious conviction is that when I am made aware of a wrong, I have committed; I must cease from continuing in that sin (wrong behavior) or pattern of sin and turn toward God. In the past 12 months (+/-), I have become increasingly aware of the history and undergirding process by which most vaccines and medications as marketed are created for which I was previously unaware. I have a longstanding approach of aligning my outward behavior with my inward religious beliefs and shaped conscience as I deepen my faith and convictions.

a. Since my progressive awareness of the history undergirding the research influencing most vaccines as well as some medications (such as Motrin); I have ceased taking these products and vaccines. Many purport that the ‘aborted fetal cell research’ is old research from the 1960’s and 70’s and no longer takes place in the U.S. However, this is NOT the case. I have learned that as recent as 2019, the University of Pittsburg and its medical researchers were conducting research from harvested living fetuses (from within the past ten years); having received financial grants for such medical research from the National Institute of Allergy and Infectious Diseases (NIAID).

b. I am NOT anti-medicine nor am I an ‘anti-vaccine’ individual, however, my conscience is deeply and sorrowfully disturbed to learn and now know that I have unknowingly partaken in the benefit of this research conducted from these aborted fetuses. I can no longer be complicit by benefiting through the research from unwilling harvested fetuses.

c. This concern is also supported by the United States Standards for Research Ethics in the Belmont Report when it states, “Respect for persons incorporates at least two ethical convictions: first, that individuals should be treated as autonomous agents, and second, that

persons with diminished autonomy are entitled to protection. The principle of respect for persons thus divides into two separate moral requirements: the requirement to acknowledge autonomy and the requirement to protect those with diminished autonomy” (The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, April 18, 1979), Exhibit 4.

d. I thus believe that I will be committing a religious sin by being complicit with the approach to the formation of this shot and violating my Creator’s intention for life and the preservation of life as well as complicit in violating the ethical and moral standards for research established in the Belmont Report.

e. I also believe that the mandated vaccination applied practice of this experimental and unproven vaccination therapeutic upon the American public as well as within the Army has violated The Belmont Report in principle, by not providing proper disclosure of risks and adverse harms upon the human body nor the proper time for study of this rapidly developed shot as well as the liberty of conscious choice to receive or deny “experimental use only” research within my body. Much of the leadership in the Army has by outspoken or subtle threat, forced individuals to take the shot. By reason of my purpose, commission as a Chaplain in the United States Army Chaplain CORP, and Army Regulation (AR 165), Public Law 10 USC 3073, 10 USC 3547, and 10 USC 3581, I am required to uphold the Constitution, First Amendment of religious liberty, but a major component of AR 165.3.3 is under the realm of “Chaplain as professional military religious advisor”.

f. By the standards set forth in The Belmont Report, I hereby reject the legitimacy of this “experimental use only” COVID-19 as a ‘vaccine’ in the traditional and historical use of the term “vaccine” as listed by the Center for Disease Control (CDC) until within the past months; the CDC recently changed the definition of the traditional term of vaccine. Historically, “vaccine”

used to mean a medical procedure that protected you from a particular disease against which you were being vaccinated, whereas COVID experimental shots, have not protected against contracting COVID.

13. Comirnaty (the FDA approved vaccine) is not available as purported, again violating the principles of The Belmont Report. Many leaders in the chain of command in the Army, convince their Service Members that what is being offered is the same. However, this would NOT pass a Truth or Lie test with any Departments of Motor Vehicles should any one of the digits be missing or misaligned with a presented vehicle title versus what exists imprinted on the vehicle. The truth is at stake.

14. I have experienced being ordered proof of vaccination in violation of Health Insurance Portability Accountability Act (HIPAA) and under General Order denied use of facilities such as on post gymnasiums. Again, violating HIPAA, I have experienced having to report weekly on my status of shot as well as boosters through the chain of lower enlisted to command. I have also been denied the presumption of natural immunity established by AR 40-562. The first commander in the chain of command at the Student Detachment, Fort Jackson, SC, had no communication with me about my request nor was there a response to any of my emails by him, nor was I counseled by him and was only counseled by the First Sargent, which to my understanding of the protocol, violates the established procedure in order of the Chain of Command (COC) which is Company, Battalion (BN), and Brigade (BDE) for which I never experienced this protocol, Exhibit 5. Neither was I counseled nor given an opportunity to speak with the second commander in the chain of command, the equivalent of either the Brigade or Garrison Commander to state the concerns of my RAR as requested.

15. During the course of 2019-2022 (present), I have either experienced or witnessed the prohibition or hinderance of carrying out (myself or other chaplains similarly) the prescribed

duties under Title 10 USC 7217 as well as the restrictions of Service Members ability to assemble and receive religious support from their chaplain(s) because of the restrictive measures placed by the highest echelons of DOD upon commanders to carry out Title 10 USC 7217. These restrictive measures on the assembly of religious services were in stark contrast and inconsistent with the purported spirit of ‘decreasing the spread of COVID’ to contrasting liberties granted by the same highest echelons of DOD upon commanders to permit the assembly of larger masses of Service Members under the guise of ‘training’. By all appearance, this practice is inconsistent and seems targeted at religious liberty granted under the Constitution.

16. The following retaliatory, career damaging, negative, punitive or administrative actions have been taken against me for refusing the alleged COVID vaccine and requesting a religious accommodation request: without notification or due process as expressed under the terms of requesting the religious accommodation, my Officer Record Brief (ORB) has been flagged as “pending action”. By measure of other chaplain’s that have similar remarks on their ORB, because I submitted a Religious Accommodation Request, I face adverse actions: *e.g.*, denied special school, bad fitness or officer efficiency report, counseling letters, told to prepare for separation, assignments denied, demeaned in front of staff or in private, removal from duty or special assignments, counseling, letter of reprimand or counseling, GOMOR, loss of benefits, restrictions on travel, told not a team player, singled out for special treatment or denied same accommodations as other people, etc. I thus believe that I am experiencing subtle retaliation, a negative or adverse employment action. These actions all violate the fiscal year (“FY”) 2013 and 2014 National Defense Authorization Acts specific statutory protections for chaplains from retaliation and/or negative, career damaging actions consistent with my faith and my endorser’s doctrine and religious beliefs.

17. **Family:** The Army has **not only** ordered myself to be vaccinated, but my “FAMILY MEMBERS MUST BE AVAILABLE TO RECEIVE A FULL COVID-19 VACCINATION SERIES FROM THE SAME MANUFACTURER WITHIN A 45-DAY WINDOW AT THE SAME DUTY LOCATION” as prescribed in my Permanent Change of Station (PCS) ORDERS 277-152, Dated: 4 OCTOBER 2021, Paragraph (y), Exhibit . None of my family members are uniformed Service Members in any branches of service. My family as described in the orders consists of my civilian spouse and 8 civilian minor children. I believe this is an unlawful and unconstitutional overreach by any branches of the Department of Defense to order civilians to be subject to the COVID-19 shot.

18. The Services and the Army have made it clear that resisting the vaccine will result in dismissal from service to the Army with a General discharge, Exhibit 2. This type of discharge is in fact a punitive discharge for a chaplain. This type of discharge is associated with Service Members who exhibit discipline problems, and it will follow me my entire life, demeaning and mischaracterizing my service while denying me my earned VA benefits. Again, this type of discharge does not align with my Army annual service records and is a mischaracterization of my service to the Nation and the Army. This will certainly be a problem for a chaplain seeking to continue to do ministry as a civilian in addition to the loss of major Veterans benefits and retirement.

19. If given the choice, *i.e.*, accept vaccine or agree to an unqualified resignation or face discharge with a general discharge, this would certainly challenge my family. However, I must remain consistent with truth, my faith; my oath to the U.S. Constitution, Army Regulation and the standards for an U.S. Army Officer; the ethical standards set forth for research in The Belmont Report; and my conscience in alignment with and formed by my faith. Sun Tzu wrote over 2,000 years ago in The Art of War as studied at West Point, that the number one principle,

must be a moral army. I have observed that this mandate has been a forcible violation of so many Services Member's moral conscience by forcing submission against known truth in order to keep supporting their existence and families.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

12 May, 2022

JEREMIAH DOUGLAS SNYDER

A handwritten signature in black ink, appearing to read "Jeremiah Snyder", written in a cursive style.

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CH (CPT) David H. Troyer

Pursuant to 28 U.S.C. §1746, I, CH (CPT) David Huber Troyer declare as follows:

1. My name is David H. Troyer. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of the Army mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside in Vicenza, Italy. My home of record and where I am domiciled is Baker, Okaloosa County, Florida.
4. I am an active duty chaplain in the United States Army serving at the rank of CH (CPT). I am currently assigned to HHD, 522nd MI BN Kaserne Ederle, Vicenza, Italy.
5. I began my military service at the rank of Specialist (SPC) on 19 September 2011 as an Intelligence Analyst (35F). I graduated from Basic Training as the Soldier of the Cycle which is a very distinct honor. After Basic and AIT I was stationed at Shaw AFB with Army Central Command. During this time I deployed twice, once to Jordan and once to Kuwait. While serving in active duty and deploying I also completed my Masters of Divinity degree with a 3.55 GPA. I was promoted to the rank of Sergeant after 18 months time in service/time in grade which is the soonest possible in accordance with Army regulations. At the rank of Sergeant (E-5) I transferred to the Army reserves commissioning at the rank of CH (1LT) on 25 September 2015. During my time in the reserves I was the full time senior pastor of a civilian church and the Chaplain for the 365th Engineer Battalion. I also attended and completed Chaplain Officer Basic Leader Course

(CH-BOLC). After 3 years in the reserves, I entered the Active Duty Army Chaplaincy on 17 January 2019 at the rank of CH (CPT).

6. As a commissioned officer, I was promoted to the rank of CH (CPT) on 10 May 2018. I have 10 years of military service with almost 8 years of that being active duty as of March 1, 2022.

7 During my military career my family and I have been stationed overseas in Wiesbaden, Germany (June 2021-January 2022) and Vicenza, Italy (January 2022-Present. Both of these overseas moves were conducted during a global pandemic without any issues arising from my unvaccinated status. My combat deployments include: Jordan (November 2012 - March 2013), Kuwait (December 2014-March 2015), and Afghanistan (February 2019-October 2019).

8. I have received the following: the Meritorious Service Medal, the Army Commendation Medal with 2 Oak Leaf Clusters, the Army Achievement Medal with 2 Oak Leaf Clusters, the Meritorious Unit Citation, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal with two Star Devices, the Global War on Terrorism Service Medal, the Non-Commissioned Officer Professional Development Medal, the Army Service Medal, the Overseas Service Medal with Numeral 2 Device, the NATO Metal, two Certificates of Achievement, and the Driver's/Mechanic's Badge. During my time at Fort Riley I received the Military Outstanding Volunteer Service Medal for volunteering over 500 hours in the community. My family and I were also honored to be awarded the Fort Riley Volunteer Family of the year for 2020. This was due to our volunteer efforts during the pandemic.

9. I submitted my Religious Accommodation Request (RAR) at Exhibit 1 asking to be excused from the Army's COVID-19 vaccine mandate based on my sincerely held religious beliefs. A summary of those reasons follows :My sincerely held religious belief is that God

bestows personhood at conception, which is when human life begins, and that a believer's body is God's temple. I have held to these Christian beliefs since childhood which make the use of fetal cells or any other similar human tissues/materials undeniably incompatible with my faith. In the past I was not aware of the role fetal cells play in the development and production of vaccinations. Now that I am aware of this information, I must act in accordance with my conscience and cannot continue to receive these vaccinations/immunizations.

10. My RAR was denied on 04 February 2022, Exhibit 2. I submitted my RAR appeal, Exhibit 3, on 22 February 2022, which is still pending. I have many different reasons for appealing this denial, all of which are listed in my appeal. A summary of some of these points is as follows:
11. With my original packet I submitted three supporting documents (letters from some of the pastors I have served with since childhood) those documents do not appear to have been included with my original request and my chain of command never replied to my inquiry for clarification.
12. On 17 February 2021 Major General Jeff Taliaferro, Vice Director of Operations at the Pentagon testified, under oath, that the unvaccinated are deployable see <https://www.youtube.com/watch?v=G1qlm4z8oQ0> 35:00 Timestamp.
13. I have been granted a DE FACTO Religious Accommodation. This DE FACTO Religious Accommodation has been established through precedence set over the last two years throughout every level of Army leadership I have served under, worldwide, in the form of a continuous and unbroken state of STATUS QUO COVID Mitigation and ministry. Never have I been ordered to avoid "close contact" with Soldiers or Family Members, nor have I been asked to refrain from distributing home-made baked goods,

resiliency items, etc. In fact, my presence and encouragement has been welcomed at all levels.

14. On 21 September 2022 I tested positive for Covid (evidence included in my appeal) and since then I have not had to report to sick call for any cold or illness. In the Fall of 2021 my health care provider tested my blood for antibodies and they were still present in my blood. This information supports the Army's own principle of serological testing testing as described in AR 40-562. As may be confirmed by my medical records, I have already had immunity for some of the Army's required vaccinations. According to data within the CDC Morbidity and Mortality Weekly Report, dated January 19, 2022 natural immunity is as strong, or even stronger than vaccinated immunity. In this report, the CDC studied people in California and New York and found that those who contracted a natural infection from COVID had more protection than those who were only vaccinated. Furthermore, those suffering from a natural infection and were later vaccinated did not gain any significant additional protection than that which already existed from their natural immunity. Therefore, according to the CDC's own data, I would not benefit from a COVID booster.
15. A vaccine, once injected, cannot be removed, whereas, the current STATUS QUO Mitigations can be altered at any time. Also, a therapeutic that can be taken after a COVID diagnosis to lessen symptoms would be considered the "least restrictive means." As of January, the FDA had given Emergency Use Authorization to two antiviral oral medications in the event of a severe case of COVID and the reported efficacy rivals that of the reported efficacy of the vaccine (https://emergency.cdc.gov/coca/ppt/2022/011222_slide.pdf)

It is extremely unlikely that even the antiviral would be necessary since the Omicron variant phase is very mild (<https://pubmed.ncbi.nlm.nih.gov/35098543/>)

16. It is important to note that the CDC has held the position since July of 2021 that vaccinated person still do transmit the virus to others (Dr. Anthony Fauci Interview through Yahoo Finance, <https://youtu.be/mP9iHyj1uiU>). Also, the Pentagon's own Press Secretary, John F. Kirby, when, on August 20, 2021, he stated that, "there is a Religious Exemption possibility for any mandatory vaccine, and there's a process that we go through to counsel the individual both from the medical and from a command perspective about using a religious exemption." He went on to say, "We take freedom of religion and worship seriously, in the military, it's one of the things that we sign up to defend, and so it's something that's done very carefully." (<https://www.defense.gov/News/Transcripts/Transcript/Article/2726868/pentagon-press-secretary-john-f-kirby-holds-an-off-camera-press-briefing/>). Since the date of my appeal submission the Army has reportedly only granted one religious accommodation even though they have granted numerous medical and administrative exemptions.

17. Ever since this past summer signs have been posted on all fitness facilities, on post, requiring proof of vaccination in order to use the facility. From January to May signs have been posted on every on post facility to include the PX, the Bank, the gym, the recreational facilities, etc. The only facility not posted was the commissary. The bank on post, which makes it possible to pay my rent, twice tried to deny me entrance because I did not have a vaccine pass. They finally agreed to assist me, "Just this once." In August 2021 my executive officer said during a meeting, in front of everyone, "I did not wear a mask all the time, but I did when I was down south around all those people I thought were a bunch of anti-vaxxers."


18. To this point I have not been offered separation but if I was to be separated from the military it would mean the loss of any and all potential retirement benefits that I might earn. Along with

all the time, but I did when I was down south around all those people I thought were a bunch of anti-vaxxers.”

18. To this point I have not been offered separation but if I was to be separated from the military it would mean the loss of any and all potential retirement benefits that I might earn. Along with the challenge of moving my family back to the states with no permanent residence to return to or job waiting for me. Essentially my family would be homeless and without a means of support, at least on a temporary basis. The complexity of this situation might also be compounded if the discharge was anything less than honorable due to difficulties finding employment with that classification. Above and beyond the physical effects a separation would mean for me and my family, this will effect my ministry to soldiers at my unit who will be without a Chaplain. Before I joined the military, I felt the call to ministry as an Army Chaplain. During my time as a Chaplain I have received 8 Strong Bonds (married and single soldiers relationship training) certifications, suicide prevention training, and practical experiences which have been invaluable in deescalating crisis situations. This skill set and the thousands of tax payer dollars spent in the acquiring of it, is not easily and quickly replaced and will effect the readiness of the force.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

May 4, 2022



David H. Troyer



**DEPARTMENT OF THE ARMY
OFFICE OF THE SURGEON GENERAL
7700 ARLINGTON BOULEVARD
FALLS CHURCH, VA 22042-5140**

DASG-ZA

4 FEB 2022

MEMORANDUM THRU Commanding General, United States Army Southern European Task Force- Africa, APO AE 09630

FOR Captain David H. Troyer, Headquarters and Headquarters Detachment, 522d Military Intelligence Battalion, 207th Military Intelligence Brigade, United States Army Southern European Task Force- Africa, APO AE 09630

SUBJECT: Denial of Request for Religious Accommodation

1. I reviewed your religious accommodation request for an immunization exemption from the COVID-19 vaccine mandate and other various vaccines.

a. Your request for exemption from the Army's COVID-19 vaccine mandate is denied.

b. Your request for exemption from other vaccine requirements is overly broad as it relates to vaccines you have already received as well as possible future immunization requirements. If, in the future, your duties and circumstances change and you are required to receive any additional immunizations, you may submit a new religious accommodation request for adjudication at that time for those particular vaccines.

2. I considered your request, based on your Christian Baptist faith, and reviewed your specific case. This included an examination of your chain of command recommendations, your unit chaplain findings of a sincere religious belief, and your current military duties as a 56A, Chaplain. Your chain of command noted that your duties include routine close proximity with the Battalion's assigned and attached personnel and their families during counseling sessions, Strong Bonds seminars, religious services, and other events hosted by the ministry team. Your chain of command explained that your duty location is indoor, with limited space for social distancing.

3. COVID-19 is a grave risk to the readiness of the force, and in your case, I find that vaccination is the least restrictive means to further the Department of the Army's compelling government interests, which also includes protecting your health, the health of the force, and ensuring mission accomplishment.

DASG-ZA

SUBJECT: Denial of Request for Religious Accommodation

4. You may appeal this decision through your chain of command to the Assistant Secretary of the Army for Manpower & Reserve Affairs. If you chose to do so, you have seven calendar days from notification of my decision to submit matters.

A handwritten signature in black ink, appearing to read 'R. Dingle', is positioned above the printed name.

RAYMOND S. DINGLE

Lieutenant General, U.S. Army

The Surgeon General and

Commanding General, USAMEDCOM

Pursuant to 28 U.S.C. §1746, I, Seth J. Weaver declare as follows:

1. My name is Seth J. Weaver. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of the Army mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. My home of record and where I am domiciled is Taylors, Greenville County, SC.
4. I am a reserve chaplain in the United States Army serving at the rank of 1st Lieutenant. I am currently assigned to the 812th Transportation Battalion, 1330 Westover St, Charlotte, NC 28205
5. I began my military service on 24-Janurary-2018 when I commissioned and entered reserve.
6. My promotions were as follows: 23-July-2019. I have approximately 4 years of service as of March 1,2022.
7. During my military career, I have had the following deployments to either combat zones or foreign areas: None.
8. I have received the following: the National Defense Service Medal, the Army Service Ribbon during my military career.
9. I submitted my Religious Accommodation Request (RAR) (or Religious exemption) at Exhibit 1 asking to be excused from the Army's COVID-19 vaccine mandate based on my sincerely held religious beliefs on 08-Dec-2021. A summary of those reasons follows: This request is based on the Biblical mandate to abstain from any medicines which are the product of immoral production, and the religious advisory of the pastor of Summit View Baptist Church against the COVID-19 vaccine.

We believe that human life begins at conception and that the unborn child is a living human being. Abortion constitutes the unjustified, unexcused taking of unborn human life. Abortion is murder. We believe that abortions of pregnancies due to rape, incest, birth defects, gender selection, birth or population control, or the physical or mental wellbeing of the mother are not acceptable (Job 3:16; Ps. 51:5; 139:14-16; Isa. 44:24; 49:1, 5; Jer. 1:5; 20:15-18; Luke 1:44).

Section 19. Euthanasia

We believe that the direct taking of an innocent human life is a moral evil, regardless of the intention. Life is a gift of God and must be respected from conception until natural death. All our days are ordained by God. He is the author and Lord of the day of our birth and the day of our death. Thus we believe that an act or omission which, of itself or by intention, causes death in order to eliminate suffering constitutes murder contrary to the will of God. Discontinuing or declining medical procedures that are extraordinary or disproportionate to the expected outcome can be a legitimate refusal of over-zealous treatment (Ex. 20:13, 23:7; Matt. 5:21; Acts 17:28).

10. My RAR is still pending. Also, COVID-19 vaccines have not yet proven to be 100% safe, effective nor without any potential harmful side effects, see

<https://www.cdc.gov/vaccinesafety/ensuringsafety/sideeffects/index.html>;

https://www.algora.com/Algora_blog/2021/10/02/dod-data-analysis-shatters-official-vaccine-narrative

11. I have no problems with “sterilized vaccines” like measles, mumps, polio, but have serious objections to a rapidly developed “experimental use only” vaccine without long-term studies that changes your DNA and whose effects have been suppressed.

I object to the COVID-19 vaccination because the COVID-19 vaccines are not legitimate vaccines as that term has been historically and medically defined and presented to the public.

13. The form filled out by the army medical doctor that interviewed me as part of the religious exemption process said that I would be nondeployable if I get an approved religious exemption. The process has been added to quite a bit since my interview with my supervising chaplain in December 2021. I was going to be going on a JRTC annual training. I got switched to a different annual training a couple months after this was set up. They said it was because they already had enough chaplain coverage for the JRTC. But I know of another chaplain who was not allowed to go on JRTC because he had a pending exemption and therefore unvaccinated. I was also going to attend some battle focused training at Fort Jackson. However when funding was being discussed, my supervising chaplain said she was told I could not attend because I was not vaccinated.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

March 31, 2022

Seth J. Weaver



IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CAPTAIN JUSTIN RONALD WINE

Pursuant to 28 U.S.C. §1746, I, JUSTIN RONALD WINE declare as follows:

1. My name is JUSTIN RONALD WINE. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of the Air Force mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside at [REDACTED], Huntington, WV. My home of record and where I am domiciled is [REDACTED], Huntington, Cabell County, West Virginia 25705.
4. I am a reserve chaplain in the United States Air Force serving at the rank of Captain. I am currently assigned to the 17th Training Wing, Air Education and Training Command, Goodfellow Air Force Base, San Angelo, Texas.
5. I began my military service on 12 September 2003 when I enlisted in the United States Air Force Reserve at the rank of Airman First Class, pay grade E-3, as an Aircraft Structural Maintenance Apprentice assigned to the 445th Airlift Wing, Wright-Patterson Air Force Base, Dayton, Ohio. I continued to serve as an enlisted Airman in the United States Air Force Reserve and in the West Virginia Air National Guard until 20 October 2018. I ended my enlisted service as a Technical Sergeant, pay grade E-6. During this period of time I served in a variety of capacities. I was commissioned on 20 October 2018 and entered Reserve duty as a Chaplain Candidate. On 13 January 2021 I reappointed as a Chaplain in the United States Air Force Reserve after successful completion of the Chaplain Candidate Program.
6. My promotions were as follows: Airman First Class, 12 September 2003; Senior Airman, 12 September 2004; Staff Sergeant, 29 October 2008; Technical Sergeant, 01 February 2016; Second Lieutenant, 20 October 2018; First Lieutenant, 13 January 2021; and Captain, 13 January 2022. I have approximately 18 years of service as of March 1, 2022.

7 During my military career, I have served on numerous contingency orders in support of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Coronet Oak.

8. I have received the following awards and decoration during my military career: Air Force Outstanding Unit Award with three oak leaf clusters; Air Reserve Forces Meritorious Service Medal with four oak leaf clusters; National Defense Service Medal; Global War on Terrorism Service Medal; Air Force Expeditionary Service Ribbon; AF Longevity Service with three oak leaf clusters; Armed Forces Reserve Medal with 1 bronze hourglass and 2 'M' Devices USAF NCO PME Graduate Ribbon; Small Arms Expert Marksmanship Ribbon (Rifle); AF Training Ribbon with one oak leaf cluster. I have also received the following special recognitions: Honor Graduate, Louis F. Garland DoD Fire Academy, Goodfellow AFB, Texas, 2006; Top Graduate, Public Health Apprentice Course, United States Air Force School of Aerospace Medicine, Wright-Patterson AFB, Ohio, 2014; Professional Image Award, Public Health Apprentice Course, United States Air Force School of Aerospace Medicine, Wright-Patterson AFB, Ohio, 2014.

9. I submitted my Religious Accommodation Request (RAR) (or Religious exemption) at Exhibit 1 asking to be excused from the United States Air Force's COVID-19 vaccine mandate based on my sincerely held religious beliefs. A summary of those reasons follows: My request is a religious accommodation due to the fact that receiving the vaccination would violate my conscience, transgress my sincerely held religious beliefs, and cause me to willfully sin against God. I believe that God has created me with natural protections against disease. God, in His grace, has provided me with an immune system that is specifically created to, when working properly, protect me from various agents that are deleterious to my health. Not only do I know this from my studies, I also know it from experience. In August 2021 I was diagnosed with COVID-19 after a positive COVID-19 test. I was ill and experienced various symptoms yet, my body did exactly what it was supposed to do. It recognized the virus, created antibodies, and fought off the infection. Praise God, I recovered from my illness and now have natural immunity to the virus which is in accordance with the Armed Services regulations which presume natural immunity from the exposure of a contagious disease, *e.g.*, AR 40-562. As an Air Force Chaplain, I must remain true to my convictions lest I

completely undermine my ministry and become utterly ineffective at fulfilling my duty to provide religious support and spiritual care to Airmen and their authorized dependents; safeguard their constitutional right to the free exercise of religion; and advise leaders at all levels on matters of religious accommodation, mental and spiritual readiness, ethical decision making, moral reasoning, and morale concerns.

10. I believe that a Christian can rightly submit to medical care, such as taking medications and vaccinations, while thanking God who has ordered His creation to allow such blessings to exist. Nonetheless, there are many credible reasons for a Christian to refuse such treatments. These reasons include, but are not limited to, a lack of long-term safety information, the possibility of dangerous side-effects, the possibility of unknown impacts upon pre-existing medical conditions, and the use of fetal cell lines from abortion used in the development, manufacturing, or testing processes. Further, a person may be genuinely convinced that a demanded procedure does not come from a true public health concern, but from schemes and ventures that are opposed to God's truth and ways, and therefore must be resisted. This comes down to a matter of faithful stewardship over my God given life, resources, and responsibilities. Not only do I have a responsibility to exercise faithful stewardship over my own body, I also have a responsibility to exercise faithful stewardship of my family and ministry. Based on the extensive research that I have done, counsel from other believers, meditation on God's word, and prayer I believe that receiving any of the currently available COVID-19 vaccinations would place not only myself but also my family in danger. Knowingly taking an action that I believe could harm my wife, children, and other family members when there are preferable alternatives to such action would be the equivalent of me denying my faith. Further, I must also be a faithful steward to the ministry that God has given me outside my home which I cannot do while sinning against God by violating my conscience and acting contrary to God's word and the leading of the Holy Spirit in my life.

11. The following retaliatory, career damaging, negative, punitive or administrative actions have been taken against me for refusing the alleged COVID vaccine and requesting a religious accommodation request: While on duty at the 17th Training Wing, Goodfellow AFB, Texas in August

2021 I was repeatedly told by my supervisor that I would need to prepare for separation if I refused the COVID-19 vaccination. This was also intimated to me in a number of subsequent phone calls after the completion of my tour in August 2021. I was repeatedly demeaned in front of staff for my reservations regarding the vaccination. It was also repeatedly insinuated that I was not being a team player because of my reservations about the vaccination. This behavior took place while on duty at the 17th Training Wing, Goodfellow AFB, Texas in August 2021. Further, I was not notified of my promotion to Captain and that promotion has yet to be recognized in any way by my supervisor or any other staff member despite numerous interactions with them subsequent to my promotion. While a direct link to my refusal of the vaccination has not been made I cannot fathom any other reason for this neglect of military custom and courtesy. In my eighteen years of service I have never witnessed a promotion unrecognized.

12. I have been approached by United States Air Force Reserve Chaplain Corps leadership regarding my RAR and refusal to submit to the vaccination mandate. I was contacted on 15 March 2022 by USAFR Chaplain Corps leadership to inquire about the status of my RAR. During the course of our conversation I was presented with a series of options for abandoning my RAR moving forward by either complying with the mandate or resigning my position. Those options included the following: spending my own money to travel to a foreign country and receive a vaccination that would be amicable to me in the hopes that the Air Force would accept that vaccination as sufficient; transitioning to the IRR and taking a Letter of Counseling for refusal to be vaccinated in the process and in the hopes that I could return to active service within a period of three years; contacting my ecclesiastical endorser and having him pull my endorsement so that I would be relieved of my duty without punitive measures being taken. None of these options are palatable and are actually insulting. I was also informed during this conversation that the odds of my RAR being approved were not in my favor. I was told this despite the fact that this Chaplain had neither read nor heard the contents of my RAR.

13. I have served my nation in the United States Air Force for eighteen years with honor. During that time I have not had a single disciplinary action taken against me. I have diligently sought to embody the Air Force core values of integrity first, service before self, and excellence in all we do

throughout the duration of my military career. The United States Air Force has invested considerable resources in my professional development and I have sought to leverage the knowledge, wisdom, and experience that I have garnered from that development for the benefit of the nation, the Air Force, and my brothers and sisters in arms. To rid the military services of faithful service members because of their sincerely held religious beliefs is to partake in the waste of valuable government resources and to contribute to a lack of military readiness.

14. I have served faithfully for eighteen years and my family, friends, and employers have supported me in that service. I had, and still have, every intention of completing at least twenty years of honorable service before I retire from the United States Air Force. My family and I have given our lives to this calling and I have no intention of simply abandoning it because of the unjust and unconstitutional actions of men. Further, I do not intend on looking for and/or taking an "easy" way out. I understand that this decision may come with consequences such as the demeaning and/or mischaracterization of my service, the loss of pay, and/or the loss of benefits. However, the options that have been presented as "outs" for those who have resisted the vaccination mandate undoubtedly result in all of those things. I will not willingly submit to or give credence to those options. I have taken an oath to support and defend the Constitution of the United States of America against all enemies foreign and domestic and that is what I intend to do as long as it is within my power to do so. My hope and prayer is that mine and others' constitutionally protected right to religious liberty will be honored and upheld.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

March 25, 2022



Justin Ronald Wine

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CH (MAJ) THOMAS JOHN S. WITHERS

Pursuant to 28 U.S.C. §1746, I, THOMAS JOHN S. WITHERS declare as follows:

1. My name is THOMAS JOHN S. WITHERS. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of the Army mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside in San Antonio, Bexar County, TX.
4. I am an Army National Guard Chaplain in the Texas Army National Guard serving at the rank of Major. I am currently assigned to the Headquarters and Headquarters Company, 71st Expeditionary Military Intelligence Brigade, 4255 I-35 S San Antonio, TX.
5. I began my military service on 21 Feb 2013 when I was commissioned as a 1LT, Commissioned Officer in the US Army (National Guard).
6. My promotions were as follows: CPT on 15 Jan 2015, and MAJ on 8 June 2021. I have approximately nine (9) years of service as of April 6, 2022.
7. During my military career, I have had the following deployments to either foreign areas or CONUS/DSCA areas: Naval Station Guantanamo Bay, Cuba, 04/2019-01/2020; JTF-TX TF COVAX, San Antonio, TX, 02-2021-08/2021. And currently I am serving on the Texas Military Department Operation Lone Star, aka the border mission.
8. I have received the following Army Commendation Medal, Army Achievement Medal (1 oak leaf), National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Service Medal, Army Service Ribbon,

Overseas Service Ribbon, Armed Forces Reserve Medal w/ M Device, Military Outstanding Volunteer Service Medal during my military career.

9. I submitted my Religious Accommodation Request (RAR) (or religious exemption) on November 14, 2021, found at Exhibit 1, asking to be excused from the Army's COVID-19 vaccine mandate based on my sincerely held religious beliefs. A summary of those reasons follows: 1) the argument from silence (The Lord Jesus Christ nowhere commands His followers to inject themselves with anything); 2) the Christian commanded to trust & obey Scripture; 3) the Christian's response to fear (and the use of fear by the government to manipulate the masses); 4) the body as the temple of the Holy Spirit; 5) the Christian's response to the world's use of sorcery ('pharmacopeia' in the Greek Scriptures); 6) aborted fetal cell lines used in the 'vaccines. I also had COVID19 illness from August 11 – August 26 and subsequently took an antibody test to prove natural immunity and submitted that positive antibody test result along with my religious exemption request, as per AR 40-562. Furthermore, because of having the positive antibodies for the SARS-COV2 virus, my medical provider advised me against receiving the vaccine because of the high likelihood the vaccine itself could cause autoimmune injury (at the least). However, he was restricted from writing a written exemption memo to that effect because of the AMA & CDC restriction against medical professionals issuing anything other than a temporary 90-day exemption.

10. On August 24, 2021, the date SECDEF Austin's order was published, I submitted my "Transfer to IRR Request", having already firmly decided I would not comply with the order to be injected with what I knew then to be a gene-therapy bioweapon. By the end of that same week, I had already turned in my assigned equipment and was prepared for my exit from the service. The only thing lacking was my Brigade Commander's approval. COL Novotny called me a couple weeks later and asked me to reconsider and to have patience as he believed by June

30, 2022 (by then this date had been published as the comply-by date for the Army National Guard) we would see a change and perhaps exiting the Army this early would be a preventable loss. He stated I was one of the good Chaplains, that he did not want to lose me, that I was an asset to his organization and command advisement, that he needed me to help him rebuild the Brigade once “things” settled back down to normal. Furthermore, COL Novotny said he would go to bat for me and do whatever in his power he could do to protect me and to advocate for me. He asked me to trust him, his experience and his instinct, and that if on June 30, 2022, there was no change to the order or a reasonable accommodation granted, he would do what he could to amicably accept my request to leave the military for the IRR (or even to resign my commission). I accepted his offer of trust and since that time, he has repeatedly had opportunity to affirm me in my position and expressed his gratitude and pleasure that I did accept his offer. My organization has been very supportive of me in this process and has done everything in their ability to promptly process my religious exemption request and the paperwork necessary to comply. Despite that, the State has seemingly and repeatedly not known how to give direction and there have been many apparent changes which could be viewed as discriminatory (using bureaucracy as a weapon). At present, my religious exemption packet is undergoing a third revision due to changed documentation requirements from the State of Texas Military Department.

11. In my religious exemption request, I stated I oppose the use of the mRNA technology but have no objection to a traditional inoculation, such as an attenuated virus, with the caveats being it must not have any link to fetal cell lines in either its development or testing and it should have been tested for the normal period comparable with other vaccines (8-10 years). Furthermore, I mentioned in my memo the fact the COVID19 vaccine does not protect against either transmission of or from developing the COVID19 illness. For example, the USS Milwaukee was 100% vaccinated but had to detour into port at Guantanamo Bay, Cuba because 25% of the crew

came down with COVID19 illness. Additionally, having natural immunity to COVID19 (as previously mentioned), AR40-562 presumes I would not need an injection to immunize me for something for which I have proven immunity. My medical provider told me if I took the shot I would most likely experience a vaccine-induced injury to my body and health. Since the three vaccines available are still under experimental authorization use only, and because they do not meet the above standards, the Army is attempting to coerce me into not only violate my religious conscience but to inject myself with a substance that won't provide immunity or prevent transmission. But the Army is also attempting to retaliate against me and force me out of the Army for not complying with an injection which could even kill me. Furthermore, should I catch COVID19 illness the quarantine time of 5 days is not comparable to being permanently discharged. The Army would lose all of its investment in me and my own gained experience as a Chaplain in a time when Chaplains are in high demand and the Texas Army National Guard is operating with 60% end strength in its Chaplain Corps.

12. I am told by the Army National Guard I will be non-deployable, unable to advance in my career progression through barring me to take professional military education for my next promotion ("ILE" for LTC). Even the state Chief of Chaplains said he would have no need for a Chaplain who is non-deployable, thus marking those of us who refuse to be vaccinated as useless to him. As an additional note, the requirement for vaccination cannot be for a compelling governmental purpose in view of the fact the President has refused to require illegal aliens to be tested, treated, or vaccinated. And, he has shipped these unvaccinated individuals all over the country, many of which have other diseases and illnesses that could pose a detriment to the permanent residents of those areas involuntarily receiving those millions of illegal aliens.

13. The following retaliatory, career damaging, negative, punitive or administrative actions have been taken against me for refusing the alleged COVID vaccine and requesting a religious

accommodation request: my leadership told me if a National Guard member were to remain unvaccinated after June 30, 2022, they could be marked AWOL even if they showed up on time for regular drill (IDT) and would not be allowed to be paid. Furthermore, if said members continued in that status for three drills, they would be involuntarily discharged from the military.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

April 6, 2022

A handwritten signature in black ink, appearing to read "Tom Withers", written over a horizontal line.

Thomas J Withers
MAJ, CH
71st Expeditionary Military Intelligence Brigade

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CCPO MATHEW BRANDON WRONSKI

Pursuant to 28 U.S.C. §1746, I, Mathew Brandon Wronski declare as follows:

1. My name is Mathew Brandon Wronski. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of Navy mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside in Prattville, Alabama. My home of record and where I am domiciled is Prattville, Autauga County, Alabama.
4. I am a current Chaplain Candidate Program Officer in the United States Navy with the current rank of Lieutenant Junior Grade. I am currently assigned to the Individual Ready Reserve (IRR).
5. I began my military service on June 3rd, 2009, when I enlisted in the U. S. Navy. I served in the Navy as a Hospital Corpsman from June 2009 to July 2014 and left at the rank of Hospital Corpsman 3rd Class (HM3). I was commissioned on May 21st, 2019, into the Individual Ready Reserve. I completed Officer Development School in July 2021.
6. I have approximately 8 years of service as of April 14,2022.
7. During my military career, I have had the following deployments to either combat zones or foreign areas: Helmand Province, Afghanistan (03/2013-10/2013).
8. I have received the following personal awards, citations, commendations, or special recognition(s) during my military career: Academic Achievement Awards in both Naval Hospital

Corpsman School and Field Medical Training Battalion; Navy and Marine Corps Achievement Medal; and Enlisted Fleet Marine Force Warfare Specialist (GCE).

9. I submitted my Religious Accommodation Request (RAR) (or religious exemption request) at Exhibit 1 asking to be excused from the Navy's COVID-19 vaccine mandate based on my sincerely held religious beliefs. A summary of those reasons follows: As a Christian who bases his faith and practice on the clear teachings of Scripture, there are three religious beliefs I hold that are relevant to my vaccine exemption request for all versions of COVID-19 vaccines. (1) I must not subject my body to unnecessary harm or degradation (1 Cor 6:19–20). (2) To the best of my ability, I am to provide for my family physically and spiritually (Deut 6:7; 1 Tim 5:8). (3) In anything I do, I must be convinced in my own mind that it is acceptable in the sight of God (Rom 14:5, 22–23; 1 John 3:21).

10. As a Naval Officer, I fully recognize that military service and its requirements involve risk. Such risk may result in bodily harm or the inability to provide for my family through death or permanent disability. However, according to my beliefs outlined above, I must be fully convinced that the assumption of such risk is both warranted and acceptable in the sight of God. In situations where an associated risk is outweighed by potential benefits, and these potential benefits do not dishonor God, then I would consider the risk acceptable. Therefore, when it comes to receiving any version of the COVID-19 vaccine, I am conscience-bound to make an informed risk decision.

11. According to NAVADMIN 190/21 reference 3.f.(2), “vaccine administrators must report vaccine administration errors, serious adverse vaccine reactions or clinically significant adverse events in the Vaccine Adverse Event Reporting System.” According to the Vaccine Adverse Event Reporting System (VAERS), there are at least 18,078 deaths and 88,910 hospitalizations associated with the COVID-19 vaccines reported through October 29, 2021. VAERS is not an

infallible reporting system, and it is not possible to verify every report filed in the system.

However, research suggests that VAERS accounts for a very small percentage of adverse events that occur. Therefore, it is not unreasonable to believe that the actual numbers of deaths and hospitalizations associated with COVID-19 vaccines are much higher than the numbers above.

12. In addition to the VAERS data, recent research suggests that COVID-19 vaccination leads to a general weakening of the body's immune system and the body's ability to repair DNA. More could be said about reports of myocarditis, coagulopathies, and other negative consequences associated with the COVID-19 vaccines. The bottom line is that all COVID-19 vaccines involve legitimate risk to the general health of recipients, and there is reason to believe the risk is much higher than popularly reported.

13. According to NAVADMIN 190/21, the COVID-19 vaccines are said to be the most effective defense against serious illness from COVID-19, and it is implied that the vaccines are an effective tool in reducing the spread of COVID-19. These claims are debatable. First, it must be said that the risk of COVID-19 infection among younger populations has been exaggerated. Among those between the ages of 18 and 49, the cumulative hospitalization rate for COVID-19 stands at around 0.46% according to CDC data. This low rate includes those with pre-existing conditions that make one vulnerable to more severe cases of COVID-19.

14. In addition to the overstated risk of COVID-19 to young and healthier populations, breakthrough infections and waning immunity are being reported among vaccinated populations. Emerging studies are also suggesting that natural immunity is just as effective if not more effective at preventing infection and hospitalization than vaccine-induced immunity. Finally, new antiviral drugs (Paxlovid) and existing antiviral drugs (Ivermectin) have proven to be effective at treating COVID-19 and preventing both hospitalizations and deaths. Considering the already low rates of COVID-19 hospitalizations among young and healthy populations, the

questionable efficacy of COVID-19 vaccines, and the emerging benefits of natural immunity and certain antiviral medications, the necessity of COVID-19 vaccination becomes questionable.

15. Based on the data and sources outlined above, and my current life situation, it is my personal conviction that the risks of COVID-19 vaccination far outweigh any potential benefits. If another person concludes that the benefits of vaccination outweigh the risk for them, then I would not judge that person for accepting vaccination. As for me, before God and my family, I cannot accept any of the COVID-19 vaccines in good faith.

16. As it currently stands, my RAR for exemption from the COVID-19 vaccine mandate has not been approved or denied by the U. S. Navy. However, I am anticipating that my RAR will be denied based on observable trends within the U. S. Navy and broader Department of Defense (DoD). I am under the impression that the current military COVID-19 policy is politically motivated, and I do not believe my religious convictions will be addressed seriously at the highest levels of the U. S. Navy or DoD.

17. Since I am in the Chaplain Candidate Program, I have not faced any immediate negative career consequences for my refusal to receive COVID-19 vaccination. However, during my time in Officer Development School (June to July 2021), before COVID-19 vaccines were even mandated, I did experience discrimination for being unvaccinated. For example, those of who were unvaccinated were subjected to COVID-19 testing when the vaccinated were not. Those of us who were unvaccinated were also required to wear masks during the entire course of training when the vaccinated were not. This policy was in place despite consistently testing negative for COVID-19 and having no off-base liberty for the entire ODS class. If the Navy believes that vaccination prevents the spread of COVID-19, it is not clear why those of us who were unvaccinated were required to wear masks during the entire course of training. We tested

negative for COVID-19 multiple times, had no off-base liberty, and were only exposed to other vaccinated servicemembers.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

April 14, 2022

A handwritten signature in cursive script, reading "Mathew Wronski".

Mathew B. Wronski

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CHAPLAIN (MAJ) JERRY B. YOUNG

Pursuant to 28 U.S.C. §1746, I, Jerry Barton Young declare as follows:

1. My name is Jerry B. Young. I am 51 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of Army mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside at [REDACTED] My home of record is Texas according to my official military file, my driver's license and my voting registration.
4. I am an active duty chaplain in the United States Army serving at the rank of Major. I am currently assigned to the United States Army – Institute of Religious Leadership (USA-IRL), 10100 Lee Road, Fort Jackson, SC 29207. USA-IRL is formerly known as the US Army Chaplain Center and School.
5. I began my military service July 6, 2007 as a first lieutenant by direct commission to Active Duty Army. I swore my oath to office “to support and defend the Constitution of the United States” as administered by my grandfather, Herbert Bailey (Ret Lt. Col. AF), who served in World War II as a glider pilot, flying missions into Bastogne, Market Garden, and Germany. I began full-time active duty service on January 6, 2008 at the Chaplain Basic Officer Leadership.
6. My promotions were as follows: to the rank of Captain July 5, 2008 and to the rank of Major October 12, 2017. I have approximately 14.5 years of service as of April 24, 2022 toward active retirement and I am called to continue to serve as a chaplain in the US Army until mandatory retirement.

7 During my military career, I have served for a total of 83 months (~7 years) overseas. My overseas time includes: forward deployed in Iraq (12 months) 05/2009-05/2010; Germany (40 months) 12/2011-4/2015 (includes NATO orders to Turkey 2012); Belgium (31 months) 4/2014-11/2016.

8. I have received the following awards: Defense Meritorious Service Medal (1), Meritorious Service Medal (3), Army Commendation Medal (2), Army Achievement Medal (1), Meritorious Unit Commendation Medal (1), National Defense Service Medal, Iraq Campaign Service Medal (2), Global War on Terrorism Service Medal, Armed Forces Service Medal, Army Service Ribbon, and Overseas Service Ribbon (3), Basic Army Instructor Badge. I was selected for Advanced Civil Schooling in 2017 and in 2019 graduated *summa cum laude* with a Masters of Applied Science in Marriage and Family Therapy. I was selected for a nominative assignment at the US Army Institute of Religious Leadership (USA-IRL) as the Marriage and Family Life Instructor, Writer, Developer and Subject Matter Expert. Further, due to my Master's dissertation and research on Army suicide prevention and my expertise as an Applied Suicide Intervention Skills Training (ASIST) master-level T4T instructor since 2010 (Exhibit #1), I was selected to serve as the Suicide Prevention Officer for USA-IRL where I have led numerous initiatives from 2020 to present. My most recent officer evaluation on January 11, 2022 at the USA-IRL rates me most qualified and states "CH Young is a masterful instructor, unlimited potential, promote immediately to LTC." Over the past 14.5 years, I have an exceptional service record with no blemishes.

9. I submitted my Religious Accommodation Request (RAR) on October 27, 2021 (Exhibit #2, RAR) requesting accommodation from the Army's COVID-19 vaccine mandate based on my sincerely held religious beliefs. A summary of those reasons follow:

a. I am a follower of Jesus Christ, born again since the age 13. Christ has provided me salvation and His own righteousness which daily invigorates my life with freedom and joy. My highest allegiance is to follow Christ and His commands. My highest goal is to live forever with Christ and receive his seven word senior rater report which says, "Well done, thou good and faithful servant!" I must follow Christ wherever he leads by faith. I must follow His clear commands and His leading in accordance with His Word. I have wrestled over the current vaccine mandate until my conscience is completely clear. I am 100% convicted by a clear word from God (Ephesians 1:17) that my material participation with the current COVAX would be an intentionally, sinful act of rebellion against my God. In this critical decision, I have studied the Scriptures thoughtfully, refused to rush to judgment, looked at both sides of the issue, prayed, fasted, and come to absolute clarity on God's will for me. When it comes to matters of faith and worship, God alone is the Lord of my conscience, and has left my believing conscience free of the "doctrines and commandments of men." Because God alone is Lord of my conscience, I alone will answer to God for all the decisions I make according to His good purposes (Romans 14:10-12, 2 Corinthians 5:10). No mortal man or representative group will stand with me on that day, only my Lord and Savior Jesus Christ, my Great High Priest and Advocate, who presented Himself as a just and righteous sacrifice in my place. If I reject Jesus Christ, His sacrifice and His leading, God help my soul, my family, and my future ministry. In summary, I cannot compromise in a manner which condemns my soul; this would be spiritual suicide (Mark 8:36).

b. It is sinful for me to willfully participate in the destruction of human life through the production and testing of vaccines from babies.

c. It is sinful for me to inject mRNA gene-therapy with spike proteins into my healthy body and God-designed immune system with natural COVID immunity (AR 40-562). I had COVID-19 December 2021 while on personal leave and easily recovered on quarantine within a

few days of therapeutics while not infecting anyone. Reference in Exhibit #35 my T-detect bloodwork on May 5, 2022 by Dr. Walter Smith verifying positive COVID-19 antibodies acquired from my December 2021 infection (AR 40-562). The CDC has no documented cases of an unvaccinated person with natural immunity infecting others with COVID (Exhibit #36) . Furthermore, I am in excellent physical health with a very strong immune system; I cannot recall missing one day the past 14.5 years in the Army due to illness.

d. It is sinful for me to willfully take a product which has not been tested for its effect on male fertility and may adversely affect my fertility.

e. It is sinful for me to dishonor God with my body, the temple of the Holy Spirit, by willfully injecting a medical therapy in my body which has numerous problematic facets.

f. It is sinful for me to dishonor God by disobeying His clear Word to me after 18 months of prayer, research and fasting regarding COVAX.

g. It is sinful for me to ignore the detrimental vaccine health effects on those within my own family after receiving vaccines in 2021: one deceased from a stomach ulcer; one experienced explosive cancer growth and life-threatening pulmonary embolism; another experienced severe pulmonary embolism. It is reckless and sinful for me to ignore my own doctors' advice on October 22, 2021 regarding the prevalence of myocarditis and pericarditis given my family's history of heart issues (Exhibit #3). All of my siblings have heart issues.

h. It would also be sinfully negligent and reckless for me to ignore these long term consequences above to my soul and body in light of the ongoing health issues I have from a series of six anthrax vaccines. Furthermore, I have a vaccine-injured child.

i. Additionally, the COVID-19 vaccine has not yet proven to be 100% safe, effective, nor without any potential harmful side effects, see

<https://www.cdc.gov/vaccinesafety/ensuringsafety/sideeffects/index.html>

j. It is sinful for me, not only due to the personal problematic reasons stated above, but also it is sinful for me to receive a vaccine which I do not need in order to appease a newly established religious system which has framed COVAX therapy like a religious sacrament and moral imperative. Not only for myself, but for all due to my position, I must uphold the free exercise of religion in my *official capacity* as an US Army chaplain.

10. I have witnessed enormous havoc and moral injury from many who took the COVAX against their conscience under duress because of the coercive threats and manipulative methods of their chain of command which eviscerated their informed consent, their religion and all the Army values. Many of my chaplain peers caved under pressure because of threats to lose their esteemed positions, career, and accumulated military benefits. There has been a failure of mission command and loss of trust so large that many chaplains are planning their exit strategy now. This will severely impact readiness at a time in the Army when suicide is already at its highest since September 11, 2001, currently at 36.18 suicide deaths per 100,000 soldiers.¹

11. The greater issue, however, is the demise of religious freedom. Without religious freedom, the chaplaincy could become irrelevant, our sacred US Constitution could lose its cornerstone, and our Army and nation could become ripe for attack. What makes America great is not our technology or vast resources, but our Constitution which has been dearly fought for, for the sake of our people and our freedoms.

12. My RAR was submitted on October 28, 2021 with strong recommendations for approval by both the interviewing chaplain (Exhibit #4) and company commander (Exhibit #5). I was informed on October 29, 2021 that the USA-IRL Commandant would meet with me after my packet had been reviewed. According to USA-IRL Policy, my RAR had to be routed to the Office of the Chief of Chaplains (OCCH) “to evaluate the religious basis and sincerity of the

request, and to ensure consistency and fairness across the force review” (Exhibit #6). This routing was unique to the chaplain schoolhouse. There is also a white paper by OCCH that requests that brigade level chaplains “forward accommodation packets for immunizations to OCCH for situational awareness,” although I learned from OCCH that this took place for USA-IRL but not for most RARs (Exhibit #7). Bottom line, all chaplain RARs were met with additional scrutiny at OCCH. I met with the Chaplain School Commandant on November 1, 2021 and was immediately met with a cheerful predetermined response, “You can always appeal.” The Commandant recommended disapproval on his first letter dated October 28, 2021 (Exhibit #8) which was identical to all the other disapproval letters he wrote for chaplains at USA-IRL (Exhibit #9). After six months of processing, the Commandant recommended disapproval a second time on a memo dated October 28, 2021 again which included new criteria and information such as “...if CH (MAJ) Young is *seriously* infected by COVID-19 it *could potentially* have an adverse impact on is (sic) ability to perform his duties and support the commander’s mission” (Exhibit #10). There is no basis for this hypothetical eugenic claim; in fact, it runs antithetical to my natural immunity (AR 40-562), my free exercise of religion, any evidence-based scientific support, and my past two years at USA-IRL and Fort Jackson amongst a largely vaccinated population. I requested an open door policy meeting regarding my RAR with the Fort Jackson Commanding General (CG) on November 23, 2021 and the Staff Judge Advocate, MAJ Felecia Grant, has said multiple times a meeting will occur prior to the CG making his recommendation on my RAR. As of May 1, 2022, five months later, I am still waiting for this meeting to occur.

13. I am not against vaccines as they have been historically defined (to protect people against a particular disease) provided they do not alter my God-given immune system with spike protein

¹ <https://www.armytimes.com/news/your-army/2022/04/01/army-suicides-hit-new-post-911-peak-in-2021/Exhibit>

mRNA gene therapy or use fetal cells or damage my body. I certainly believe in the right treatment for the right disease, but it's never good when the cure is ethically problematic and worse than the disease itself. I was not previously aware of the ongoing connection between fetal tissue research from live babies and the vaccine industry. For this reason, I ensured that the flu vaccine which I took last year did not use fetal cells in the process. I believe pharmaceutical corporations should use animals for vaccine cell lines since God has given man dominion over animals (Genesis 1:26). My conscience is clear with the Flucelvax Quadrivalent (Influenza vaccine) which I received again this year which utilizes Madin Darby Canine Kidney (MDCK) cells. As a comparison, a total of 99 elective abortions were used by Merck to create the cell line for their rubella vaccine, whereas Kiasato in Japan ethically uses a rabbit cell line for its rubella vaccine. In fact, many vaccines have an ethical alternative which does not involve child sacrifice and ongoing fetal tissue research.

14. This revelation troubles me deeply, and I do not believe my conscience can be coerced to believe otherwise, for I cannot *unknow what I now know*. As 1st Corinthians 13:6 declares, "love...it does not rejoice at evil, but rejoices with the truth." I cannot bear the thought of participating in the ongoing torture of helpless living babies in labs by adults. The collaboration between abortionists and those wanting organs is actively in full force today and is especially sinister since vaccine producers do *not* have to use a fetal cell line in their production. After over 100 years of fetal tissue research at a cost of \$100 million per year of federal funds from NIH grants and others, no therapies have been discovered that required aborted fetal tissue. Even if a therapy was discovered that could not come another way, I cannot accept the means. I believe that vaccine manufacturers with current vaccines revenues approaching \$100 billion annually, have a civic duty under the Health and Human Services in the United States (which includes the FDA and NIH) to be transparent and fund vaccines free from child sacrifice. Even if the only

FDA approved, Comirnaty, truly existed today, I am disinclined to this vaccine for the religious reasons stated above.

15. As General George C. Marshall, chief of staff of the Army during World War II said in his 1941 speech at Trinity College, “The soldier’s heart, the soldier’s spirit, the soldier’s soul, are everything. Unless the soldier’s soul sustains him, he cannot be relied on and will fail himself and his commander and his country in the end.” Not only must I guard my conscience and soul from sin, but my explicit duty as a chaplain in the US Army is to guard the “free exercise of religion” for all (FM 1-05, January 2019; AR 165-1, June 2015). The government is not allowed to establish its own religion and coerce Soldiers into compromise and moral injury. This is an extremely dangerous road. As a spiritual scout, I exhort the military and civilian leaders to change course immediately.

16. I have experienced open religious persecution as described below:

a. By the continual order to provide proof of vaccination, which is also a violation of Health Insurance Portability Accountability Act (HIPAA).

b. I have been denied the use of gymnasiums, swim pools, auditoriums, and other social functions, such as outdoor tree lighting ceremonies.

c. I have had to report my status through the chain of command and be available for covid testing and masking.

d. I have been denied official travel to perform my job and have been restricted on unofficial travel. I have also been denied the presumption of natural immunity as established by AR 40-562.

17. Every Service Member’s RAR case is unique. Ironically, my three consecutive company commanders during my RAR process (all 42A MOS), CPT Lease, LT Snyder, and CPT Cerqueira have treated me with genuine dignity and respect. Regretfully though, my technical

chaplain chain of command (all 56A MOS) which affects my daily work environment, my reputation, evaluations, and future assignments has handled my RAR with prejudice. Since I work at USA-IRL, my entire chain of command is comprised of only chaplains. Though I should be treated no different due to my RAR, my technical chain of command and other senior chaplains have sought to convert me, intimidate, punish, reassign, threaten, belittle, discourage, dismiss, and bully me. Many have made themselves into mini-gods charged with investigating my faith and punishing me for not being a “team player.”

18. The following retaliatory, career damaging, negative, punitive or administrative actions have been taken against me for refusing the alleged COVID vaccine as a matter of faith, *i.e.*, for religious reasons, and requesting a religious accommodation request in violation of the Religious Freedom Restoration Act and Sec. 533 of the fiscal year (FY) 2013 National Defense Authorization Act (NDAA) as amended by Section 532 the FY 2014 NDAA, “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS” (Exhibit #11).

a. I have received ongoing pressure personally and from the general command climate to compromise my faith from as early as January 22, 2021 when we were first required to provide a reason to our chain of command for why we decline to receive the voluntary EUA vaccine. I stated at that time by email to my chain of command, “I am waiting for a vaccine that does not utilize aborted baby cells” (Exhibit #12). The punishment for being unvaccinated increased from January 2021 to now in May 2022.

b. For several months I was required to wear a mask while others did not, both at work and at chapel, while preaching and providing liturgy. This made me a marked target. Even though I would have a RAR in process by Fall 2021, have natural immunity (AR 40-562), and have not had one sick day since reporting to USA-IRL, I was treated as unclean and less than. I

attended meetings masked up in rooms which were thick with Lysol. As recent as April 29 2022, I attended an individual meeting with a masked civilian educator in a 400 square foot room which smelled like an entire can of Lysol was just sprayed.

c. On August 20, 2021, USA-IRL held a formation wide personnel asset inventory (PAI) where everyone was required to indicate their vaccine status (Exhibit #13). Then on August 24, 2021, the Secretary of Defense by EXORD IAW HQDA FRAGO 5 directed the entire force to receive the EUA Pfizer-BioNTech vaccine after the Pfizer Comirnaty was approved by the FDA the day prior. I had already begun preparing my RAR with a level of assurance and benevolence. Then, on September 10, 2021 after a morning staff breakfast, I overheard the Commandant telling the Training Director (TD) that he would not endorse any exemptions for the covid vaccine, except perhaps in extremely rare circumstances, **but certainly not for Christian objections**. He referred to a time when he was the Fort Jackson Garrison Chaplain and how he approved RAs for distinctive faith groups, but how medical immunizations are absolutely required for readiness.

d. On the morning of September 20, 2021 at 1117, I received an order from the Commandant to get vaccinated at the Solomon center no later than 1530 or receive punitive counseling from him (Exhibit #14). In the afternoon of September 20, 2021, I was hurriedly escorted into the Chaplain Training Director's (TD) office for developmental counseling (Exhibit #15). The TD, a chaplain without command authority, raised his voice and ordered me to sign the development counseling stating that I was refusing a lawful order IAW FRAGO 46 to 2005001 OP Victory Phoenix 17SEPT to receive the covid vaccine. His tenor was tense and harassing. I replied that I intended to submit a religious accommodation. He said this was the wrong answer. He asked me louder if I was going to refuse a lawful order. I replied that I was unable to receive the vaccine due to my faith.

e. Though the completion date for beginning an RA or vaccination was December 15, 2021 IAW FRAGO 5 to HQDA EXORD 225-21, the post CG FRAGO 46 to 2005001 OP Victory Phoenix 17SEPT moved the suspense up six weeks, stating my RA packet had to *begin* by October 31, 2021. The DA Form 4856 from the TD further changed the suspense to require that my RA packet needed to be *complete* and submitted by October 31, 2021 or face UCMJ punitive action (Exhibit #17). Essentially, there were three different dates in the orders for submitting an RAR (FRAGO 5 to HQDA EXORD 225-21 indicated RAR NLT 12/15/2021; Fort Jackson FRAGO 46 said RAR begun NLT 10/31/2021; Unit DA 4856 states RAR complete NLT 10/31/2021). CH (LTC) Douglas Weaver, who was present, also noted the obvious discrepancies. After three requests to the TD, the discrepancy was never clarified nor was it clear what a complete packet entailed. Ultimately, I was rushed (Exhibit #17) to have my RAR complete by October 27, 2021 so it could be reviewed, as I was told, by senior chaplains at a senior leader conference with the Chief of Chaplains.

f. After FRAGO 47 on September 27, 2021, a tracker was sent out to leaders with all the names of the “refusers” and a timelines from refusal to GOMAR to separation (Exhibit #18). I was informed at this time that I could be dishonorably discharged, have to repay my Advance Civil Schooling (ACS), lose my GI Bill, loose 14.5 years toward pension and medical benefits, lose 2nd amendment rights, lose my right to claim disability and my right to receive separation pay. A few of these have since been retracted, but the pressure has not changed. My current Additional Service Obligation (ADSO) for ACS is through May 29, 2024 and my service obligation for the GI Bill is February 21, 2023 (Exhibit #19). My ORB in section X says, “Pending COVID-19 VACC Action.” This is a punitive flag on my official record brief for any favorable actions (assignment, evaluation, promotion, schooling, etc.).

g. I was publicly called out in mass emails by my chain of command several times in October 2021 as a “refuser.” One email on October 15, 2021 was sent while I was on the platform instructing about eighty students in which the Commandant directed that I be removed while instructing immediately “to comply with all refusal related administrative requirements” and to see a doctor at the Army clinic regarding my “refusal” (Exhibit #20). Clearly, I am not a “refuser,” but simply in process of obtaining a religious accommodation IAW Army regulations, the U.S. Constitution, and RFRA.

h. On October 7, 2021, our Chief of Chaplains addressed us in a townhall concerning the vaccines and implied that if you didn’t agree with the mandate, you can easily exit the military because it is an all-volunteer Army. He showed no consideration for the free exercise of religion, it was framed as “comply or get out.” By implication, he also conflated vaccine hesitancy with extremism, which he identified as the number one problem in the military. He said chaplains should be part of the healing, rather than part of the problem. I have heard from the OCCH that the Chief sees RARs among chaplains as problems and sought to move all chaplains with RARs to non-deploying units before this was squashed by legal. It was also said leaders lead, and by this I heard him say that leaders don’t have RARs. While speaking to students, the Chief of Chaplains said there are no boundaries to what chaplains should offer religiously, that endorsers agreed to this when they initially signed on, and if he continues to hear “excuses” for not performing, then there will be further discussion with their endorser as to why this is the case. While I enjoy serving in a pluralistic environment to “provide or perform” services in the free exercise of religion, the current push is actually promoting and forcing certain ideological and theological positions contrary to the Constitution’s Establishment Clause. Concerning the vaccines, the Office of the Chief of Chaplains said on November 15, 2021 that the new “free exercise of religion” actually takes place when the “chaplain interview memorandum includes a

well-written summary of the interview, a thorough, well-written assessment of the religious basis of the request, and a thorough, well-written assessment of the sincerity of the requester's belief" (Exhibit #21). In reality, the interview felt more like an invasive colonoscopy than "free exercise of religion," and I have experienced nothing but punishment since exercising my right to **not compromise** my sincerely held religious beliefs.

i. I was not allowed official travel to training pertinent to my official duties. I was not allowed travel to my annual endorser training for which I am required to maintain endorsement.

j. I was also prevented from attending the Family Life Annual Sustainment Training (FAST) which is key to my role as a writer, developer and instructor of Family Life curriculum.

k. My unofficial travel was restricted by mileage and purpose, and I required an interview with the commandant in order to travel to visit relatives with serious health issues.

l. Personal travel for personal leisure was prohibited while others were free to travel. My family felt increasingly isolated and segregated as time progressed.

m. The key religious leaders of USA-IRL were continually pronouncing the "pandemic of the unvaccinated." For example, a memo dated November 17, 2021 for the Chief of Chaplains circulated concerning the planning of the Chaplain Winter Formal which recommended "unvaccinated individuals should attend virtually" since a "negative test may represent a false negative" and "having unvaccinated individuals present increases the risk of transmission to everyone" (Exhibit #22). Ironically, even though FRAGO 12 limited gatherings to no more than 50 people, there were other gatherings that clearly exceeded 50 people.

n. Not only have I experienced discrimination but also my wife and our entire family. In December 2021, our family of six was prepared to attend the annual Christmas tree lighting outside at usual. Just a few hours before the ceremony, USAG Fort Jackson posted the Tree Lighting on Facebook, "UPDATED TREE LIGHTING ATTENDANCE REQUIREMENTS:

Attendees are required to be vaccinated to attend today's Fort Jackson community holiday tree lighting, Face masks are also required. #FortJackson #VictoryStartsHere #HappyHolidays." My family and I were demoralized and unwelcomed to join with the Army community (Exhibit #23). My wife of Jewish heritage was reminded of how her relatives were treated by the Nazis in the 1940's in Holland. She is particularly attuned to religious persecution.

o. Marian Turski, A Jewish-Polish Auschwitz survivor, recently spoke at the 75th

Anniversary of the Liberation of Auschwitz. Mr. Turski, said of Auschwitz:²

Of course, [Auschwitz] it didn't appear from nowhere.

One day in the early 1930s a sign suddenly appears on the park benches saying: "Jews are forbidden to sit on these benches." A bit later the sign appeared at the swimming pool: "Jews are forbidden to enter the swimming pool." And then the sign appears: "Bread and food products will only be sold to Jews after 5 p.m."

But be careful, be careful, we are already beginning to become accustomed to thinking, that you can *exclude someone, stigmatize someone, alienate someone*. And slowly, step by step, day by day, that's how people gradually become familiar with these things. Both the victims and the perpetrators and the witnesses, those we call bystanders, begin to become accustomed to the thoughts and ideas, that this minority that produced Einstein, Nelly Sachs, Heinrich Heine and the Mendelssohns is different, that they can be expelled from society, that they are foreign people, that they are **people who spread germs, diseases and epidemics**. That is terrible, and dangerous. That is the beginning of what can rapidly develop.

The rest follows in swift succession: the ban on employing Jews, travel prohibition. And this is quickly followed by deportation to ghettos...where they are murdered in trucks using the exhaust fumes, and the rest go to Auschwitz, where they are murdered in modern gas chambers, gassed by Zyklon B.

Don't be complacent, whenever any kind of minority is discriminated against. The essence of democracy lies in the rule of the majority. But democracy itself lies in the fact that the rights of minorities must be protected. Don't be complacent, whenever any government violates already existing, common social contracts. Remain faithful to the Eleventh Commandment: **Never be a bystander**. Because, if you become complacent, before you know it, **some kind of Auschwitz will suddenly appear from nowhere**, and befall you and your descendants.

² <https://www.auschwitz.info/en/commemoration/commemoration-2020-75th-anniversary-of-the-liberation/2020-01-27-marian-turski-the-eleventh-commandment.html>

p. Other off limits locations included: Knight Pool (the only pool), gymnasiums, and different auditoriums. For example, Knight Pool is the only pool available on base for me to train for the swimming portion of the upcoming Army Combat Fitness Test (ACFT) which determines whether I am fit to stay in the military or not. The lifeguards were not required to be vaccinated nor wear masks, and so the discrimination was apparent against unvaccinated service members where there was no health threat of someone swimming in a chlorinated pool with one person per lane (Exhibit #24).

q. On the morning of October 20, 2021, a mass email was sent from the Deputy Commandant that commended with blessings those who were vaccinated and suggested compliance by October 31 to avoid unnecessary curses, i.e., “needless punitive action” (Exhibit #25).

r. I received a phone call from my supervisor during lunch on October 20, 2021 that the date for me to submit my RAR had moved up again to October 27, 2021, so that the Commandant could submit everything on October 31, 2021. Remarkably, the Commandant would take another five months to complete his RAR role of rubber stamping (exactly the same initial memo for all USA-IRL chaplain RARs, Exhibit #9) his memo recommending disapproval after my RAR was returned back from JAG due to legal insufficiency.

s. From the highest level of the branch, chaplains were coached and resourced from a pro-vaccine viewpoint on how to combat potential vaccine “refusers” and conduct in-depth interviews to verify that a RAR was not a ruse. Invasive interviews of Soldier’s individual faith expression with a “thorough, well-written assessment” of their sincerity was reframed by the branch as upholding the “free exercise of religion” (Exhibit #21). Many chaplains took this task to the extreme. My 90-minute chaplain interview was guided entirely by the branch RA scripted questionnaire specifically for COVAX (Exhibit #26) along with a coercion guide (Exhibit #27)

which required detailed information about my belief system and a circular line of vaccine questioning.

t. A FORSCOM white paper entitled, “Ethical Considerations Regarding the COVID-19 Vaccines” (Exhibit #28) which was a pro-vaccine apologetic from a particular Anglican and Roman Catholic perspective was widely disseminated prior to the chaplain rodeos in order to demolish potential theological arguments. Several leaders in my chain of command used their own such ethical arguments to proselytize me so I would let go of my faith.

u. Many in my chain of command pressured me to place my career over my conscience and one said he hated to see me take this path because I wouldn’t be here next year. Another said, “It is just two stem cells from a long time ago, what is the big deal?” And yet another in my chain of command said, “You are the one who has to explain why you took all the other vaccines but not this one.”

v. My chain of command told me my RAR would not make it past the commandant, and it would certainly result in failure, *i.e.*, expulsion from the military. Later, one would tell me it was not necessarily a set up for failure, but intended to achieve 100% compliance regardless. Truly, the stacked-up constitutional and equal opportunity violations against me are too numerous to remember them all. The environment has been anything but inclusive to those with a valid RAR pending.

w. There are many other examples for which I have witnesses, who, if subpoenaed will verify the veracity of my claims. Many chaplains admitted to me that they were religiously opposed to the vaccine but caved under the pressure knowing they would lose their nominative position and ultimately their career if they didn’t go along with the failed plan.

19. Especially since the August 2021, my chaplain chain of command has called me out publicly for being unvaccinated and all my resulting lack of privileges (restricted travel, masks,

subject to testing, counseling, evaluations, etc.). Many have vented their frustration with the pandemic on the unvaccinated, and my chain of command is weary of the reporting requirements. In multiple staff meetings, my chaplain supervisor said I cannot do certain things because I am not vaccinated. My supervisor often came and spoke to me about unvaccinated reporting requirements in our open air environment where everyone can hear. I told him that I was uncomfortable discussing my personal medical in public. He replied that my immunization status is not protected by HIPPA in the Army, because I am Army property. The implication through multiple words and emails is that I am not a team player and I am making unnecessary waves.

20. When I was completing my RAR packet, my supervisor initially said it would surely stop with the commandant's disapproval and that would be the end of the battle. As such, all of this has damaged my reputation, my credibility and my career. People have said to me and my wife, "Oh I heard you are leaving the Army." Many expect me to be separated by July 1, 2022 and my chain of command appears to be working in line with this timeline. Before I even met with my personnel manager on April 20, 2022, I received word that a female family life chaplain in Texas had been contacted by personnel three weeks prior to my meeting regarding replacing me, and she then called my colleagues inquiring about the situation. I have been in the Army nearly 15 years and I have never seen anything like this. Mental health in the force is at a low point, and ethical conduct appears to be even lower.

21. As the USA-IRL Suicide Prevention Officer, I am aware of how the Command and General Staff College (CGSC) Director, COL Scott Green, regularly went from classroom to classroom to intimidate CGSC students to "take the damn shot," and then how he took his own life on June 15, 2021, in his office at Fort Leavenworth. Evil actions done in the dark will always come home to roost because, apart from Divine intervention, we reap what we sow.

22. As President Biden said on April 27, 2022, “I think the greatest sin anyone can commit is the abuse of power.” Indeed, there can be a few key moments in an officer’s career where they know without a shadow of a doubt that something is clearly wrong, and the officer has a duty to exercise critical thinking and act with personal courage and integrity. One such time in history was December 17, 1944 in Malmedy, Belgium when German officers ordered the soldiers of Waffen-SS to execute 84 U.S. POW’s in a farmer’s field because they were a nuisance. Mass psychosis and group-think prevented anyone from challenging these unlawful orders. Likewise, military leaders have received little critical feedback in the way they have treated Soldiers with sincere RAR in process. I am certain the reprisals against those with RARs will continue without the court’s intervention.

23. I was also required to attend DEI (diversity, equity, and inclusion) training on February 23, 2022, in an auditorium with signs which read “Proof of Full Vaccination Required for Entry” (Exhibit #29). When I asked my chain of command for guidance, they had no comment, “no words” (1 Kings 18:21). Ironically, I was required by my chain command to instruct BOLC again in this same “vaccinated only” auditorium on February 15-16, 2022. On those days, I was instructing the students on the importance of chaplain identity and other sensitive topics such as suicide prevention, pastoral care to sexual assault and domestic violence victims, and yet I was treated like an “unclean” person who should have been wearing a yellow star on my chest.

24. In a recent meeting on April 12, 2022, the new Training Director (my senior rater) as of January 2022, said he was unaware that I had a RAR in process. This was very surprising to me given the weekly reporting requirement for command to track unvaccinated people and that I had an outstanding request to see the CG. He then said right in line with the Anglican white paper, “Well, you are the one who has to explain why you received all the other vaccines but not this one.” Speaking from his own theology and immunization experience, he also ignored the fact the

previous vaccines protect me from what I was being vaccinated against while the COVID-19 alleged vaccine does not. Ironically, I was aware that he contracted COVID immediately upon arriving at USA-IRL even though he was triple vaccinated. Like others in my chaplain chain of command, the vaccine is not truly about health, but about taking care of business, regardless of its moral or physical harm or effectiveness. The Chaplain O-5's are pressured by Chaplain O-6's to get the booster shot even though it is not required.

25. The Training Director made it clear that I was unlikely to receive a "cookie," meaning a good or "most qualified" officer evaluation. He said, "You should not be here," while qualifying that it was not my fault, and then asked me, "Where do you want to go next?" Though I was not slated to move until July 2023, I received a surprising email from the personnel manager two days later on April 14, 2022 that my move cycle was changing as well as the location for which he approved for me on September 7, 2021. It was apparent that personnel wanted to move me even though they knew that all Exception to Policy Requests (ETPs) for RAR service members are being denied (approximately 7000-9000 now). When I met with my personnel manager, he lifted up his hands and said, "I am just the middle man here." He told me the inability to obtain an approved ETP is a "Big Army" problem, not a personnel problem. I explained that is unethical for Army to require something that Army will not provide. The common refrain I hear from chain of command is, "We are just following orders," but it really goes further than that to actually leading the charge. The chief of chaplains says chaplains should lead the way (in the context of vaccination) in this new era which involves a complete transformation of thinking.

26. The commandant has openly voiced his disapproval toward incoming Chaplain Captain Career Course (C4) students with a RAR in process, saying, "We don't want them here." Indeed, all Chaplains with RARs have been prevented from attending in the Chaplain Basic Officer Leader Course (CHBOLC) in 2022. There is open and increasing religious discrimination in both

big Army and within USA-IRL against those who have a RAR. We are often labeled as extremist and viewed as the potential “insider threat” who may flip out and become an active shooter, as observed in our USA-IRL active shooter training on April 29, 2022 and other active trainings scenarios where the unvaccinated person is the potential insider to be viewed with great suspicion.

27. On September 2, 2021, USA-IRL hosted an Army doctor, MAJ Guido, as an expert preventative medicine physician to present vaccine into to the formation (Exhibit #30). The presentation exhorted all to be vaccinated and included strategies for promoting vaccination of junior Soldiers. We were told that there was no difference between the EUA Pfizer BioNTech and legally FDA-approved Pfizer Comirnaty and the medical informed consent was identical. We were told the efficacy for the EUA Pfizer BioNTech was over 95 percent. In his slide presentation, MAJ Guido told us to teach students that vaccination will “stop trainees from getting sick and being pulled out of training” and if they do somehow get sick, their symptoms “maybe even less severe than the common cold” (Exhibit #30, Slide 2 notes). He also said what was repeated many times by my chain of command, that “unvaccinated people are 5 times more likely to be infected with COVID-19 and 29 times more likely to be hospitalized for COVID-19 than vaccinated people” (Exhibit #30, Slide 3). There was no talk or evidence-based science presented about natural immunity, obesity and comorbidity or prevention and treatment. It was like the Institute of Religious Leadership just hosted a sales pitch from an questionable pharmaceutical sales representative. By October 2021, the Commandant reported that 12 out of 13 COVID cases in the school were vaccinated individuals.

28. If my Religious Accommodation is not approved, I will be forced to separate from the military service, likely under a general discharge. Historically, a general discharge was created, apart from a discharge package under AR 635-212, to easily rid itself of soldiers who show

patterns of indiscipline and resent authority. Since the DOD was prevented by the NDAA from using dishonorable discharges for a soldier merely having a denied RAR, the DOD has implemented honorable or general discharges with negative re-entry coding RE-3 or RE-4 (RE-1 is no issues; RE-2 is some issue like overweight but can be waived by recruiting command; RE-3 requires high command to waive because something bad was done; RE-4 is a straight up no for re-entry due to felonies). Additionally, many also have negative comments that say "MISCONDUCT – SERIOUS OFFENSE." All service members who have already been separated with this general discharge have additional coding on their DD 214 which bars them from ever reenlisting in the military again, as well as ever working for the federal government. The code also prevents one from receiving unemployment benefits. The code is extreme prejudice which essential equates the service member to one who committed a felony such as murderer or rape. Service members with such general discharges also have their Tricare insurance immediately terminated instead of receiving the usual 90 days extra. My GI Bill benefits would also be lost. I might also be required to pay back the Family Life ACS which the Army required of me and updated my ADSO through May 29, 2024.

29. With this negative code on my discharge paperwork, I will have a difficult time finding employment to provide for my family of six, including four young children. The negativity surrounding the discharge will mar my reputation. A general discharge would also have a detrimental effect on my ability to work as a Texas-licensed Marriage and Family Therapist. Negative coding on my discharge would hound me for life and make employment and provision for my family extremely difficult.

30. The effects of this discharge would have a life-long impact on my family. I am almost 52 years old now with four children ages 6, 5, 3, and 1. It is impossible for me to replace the last 14.5 years which I have invested in the Army chaplaincy. I would be forced out of the military

with no pension, no medical, and no means to provide for my family, including my children's educational expenses. The irony of this can't be missed, as one who is charged with defending the Constitution with my very life as an officer, defending the free exercise of religion for all in the Army's pluralistic environment as a chaplain, upholding the 'Hippocratic code' and informed consent in my clinical counseling, thinking critically, and living by the Army values.

31. It is also nonsensical and wasteful for the military to force me out considering my 14.5 years of extensive experience and the highly specialized training I have in Marriage and Family Therapy and working as both the Family Life Instructor at the Chaplain Institute for Religious Leadership and Suicide Prevention Officer. Mental health, suicide, domestic violence, and sexual assault are at historic highs in the Army and yet the DOD is ready to flush the hundreds of thousands of tax payer money invested in me. I am specifically trained and experienced in assisting service members with life-altering trauma as well as those with suicidal ideations. A new chaplain, assuming they can be recruited after the Army's disgraceful conduct of punishing people of faith for living what they believe, would take years to acquire my experience. I have invested much study and research in the suicide epidemic currently ravaging our military and I am devoted to doing my utmost to help curtail and prevent it. The suicide problem in the military is a real pandemic today. We are losing more to suicide in the Army today because of the rapidly declining mental, spiritual, and social health than we ever will lose of healthy people to a flu virus with a 99.9% survival rate. My clinical supervisor, Chaplain (COL) Steven Moser, the former director of the Fort Hood Chaplain Family Life Training Center, said in his letter dated September 2, 2021, Chaplain (MAJ) Jerry Young "has shown himself to be a valuable asset to the Corps and Soldiers and their families" (Exhibit #31). Chaplain (COL) Moser was my counseling clinical supervisor for the last four years (2018-2022).

32. Not only am I a master Applied Suicide Intervention and Skills Trainer (ASIST) for 14 years, but I have made it my chaplain calling to train up as many chaplains as possible to combat the growing suicide problem (Exhibit #32) which is at a high point of 176 confirmed Army suicides in 2021 (this is a 45 Soldier or 23% increase from the 3 year average prior to the pandemic). I have personally trained over 800 chaplains in the past two years in suicide prevention using Joiner's Interpersonal Theory of Suicide (IPTs) and other evidence-based models. I have not missed one day of instruction or work at USA-IRL since reporting January 10, 2020. I pray that my religious accommodation will be granted so that I may continue serving in the Chaplain Corps with my unique skillset, experience, and training.

33. I would also point out the insanity of the Army's false position about no reasonable alternatives to throwing me out and harming itself. First, their argument is that I'm a threat or potential COVID carrier to those who are vaccinated while at the same time they're arguing that the vaccinated are a threat to me. That's absurd but true because the vaccine does not protect those who have taken it nor prevent them from becoming COVID transmitters; protection of the force can't be a valid compelling government purpose under the circumstances because the vaccines do not provide protection.

Second, if I were to get COVID a second time (which is rare), I would lose at most 5 to 10 days of time at work (which has never happened to me in 14.5 years), but then I would be back at work. On its face, that scenario shows that it's a much more reasonable alternative than throwing me out the service because the Army has not lost a dedicated chaplain with 14.5 years of experience in highly specialized training in areas for which the Army has great need.

34. Attached as Exhibit #33 is a copy of Congress's specific direction to the Department of Defense in FY 2016 addressing the importance of chaplains and their protection as representatives of their denomination.

The committee expects that commanders will ensure a chaplain's right to religious expression and to provide religious exercise and guidance that accurately represent the chaplain's faith are protected, respected, and unencumbered by any means contrary to section 533 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) as amended by section 532 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66).

35. That same directive language also addresses the need for greater and more thorough training for chaplains in the area of suicide prevention, my specialty.

The committee also notes the results of a RAND Corporation survey of Army chaplains published on April 7, 2015 which concluded that 44 percent of chaplains and 57 percent of chaplain assistants believe they need more training in suicide prevention treatment. No later than 180 days after the enactment of this Act, the Department of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a report on shortfalls in suicide prevention training for the chaplain corps in each service branch and a strategy to address these shortfalls.

36. At Exhibit #34, is Congress's FY 2018 NDA directive language to the Armed Forces reminding them of "the importance of protecting the rights of conscience of members of the Armed Forces" which is quoted below.

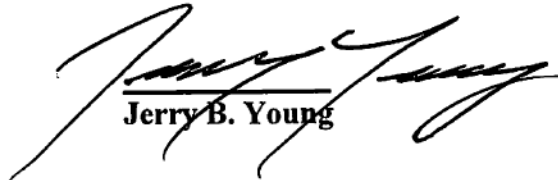
The committee continues to recognize the importance of protecting the rights of conscience of members of the Armed Forces, consistent with the maintenance of good order and discipline. The Congress has expressed this view in title 42, United States Code, section 2000bb, et seq. [RFRA] and in section 533 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) as amended by section 532 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66). Complying with this law requires an intentional strategy for developing and implementing a comprehensive training program on religious liberty issues for military leadership and commanders. The committee urges the Department, in consultation with commanders, chaplains, and judge advocates, to ensure that appropriate training on religious liberty is conducted at all levels of command on the requirements of the law, and to that end the committee directs the Secretary, in consultation with the Chief of Chaplains for the Army, Navy, and Air Force, to develop curriculum and implement training concerning religious liberty in accordance with the law. Recipients of this training should include commanders, chaplains, and judge advocates.

Despite the clear command, neither DOD nor any Service has developed an "intentional strategy for developing and implementing a comprehensive training program on religious liberty issues for military leadership and commanders." Neither have they "develop[ed] curriculum and implement training concerning religious liberty in accordance with the law" nor appropriate

training on religious liberty at all levels. This is not happening at the Chaplain School and the religious retaliation documented above shows open contempt for both the law and Congress's instructions.

I make this declaration under penalty of perjury, it is true and accurate to the best of my ability, and it represents the testimony I would give if called upon to testify in a court of law.

May 5, 2022



Jerry B. Young