

# EXHIBIT 2

**UNITED STATES DISTRICT COURT  
 MIDDLE DISTRICT OF FLORIDA  
 TAMPA DIVISION**

**ISRAEL ALVARADO, et al.,**

*Plaintiffs,*

v.

**LLOYD AUSTIN, III, et al.,**

*Defendants.*

**Case No.: 8:22-CV-1149**

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**SUPPLEMENTAL DECLARATION OF ISRAEL ALVARADO,  
 LIEUTENANT**

Pursuant to 28 U.S.C. §1746, I, Israel Alvarado, declare as follows:

1. My name is Israel Alvarado. 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 supplemental declaration to support my challenge to the Department of Defense and Department of U.S. Navy mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.

3. Section 533 is entitled, "PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS."

It has three subsections: "(a) PROTECTION OF RIGHTS OF CONSCIENCE"; "(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS"; and "(c) REGULATIONS."

4. In October 2020 I went to the Navy's Basic Leadership Course (BLC) which is the school that new chaplain ascensions go to before reporting to their first duty station. Out of all the classes that were taught, there was not a single class that addressed any of the subjects or content of Section 533 by name specifically or by substance and context.

5. Since I graduated from BLC and reported to my first duty station, I have not heard any senior chaplain or peer talk about the subjects or content of Section 533 in any personal conversation I have had or in official monthly trainings, such as the Area Wide Training that is offered in Norfolk, VA. In the same way, I have attended the Navy's Professional Development Training Course for chaplains and religious programs specialists and have not heard the subjects or content of Section 533 be mentioned by substance and context.

6. The FY 2018 NDAA, Complaint Exhibit 4, states the following: "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 FY 2018 NDAA further states:

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.

7. Up to today, I have not heard any discussion or conversation in any forum whether in a unit, instructional or training course, or any informal gatherings of chaplains about “an intentional strategy for developing and implementing a comprehensive training program on religious liberty issues for military leadership and commanders.”

8. The symbolism of vaccination; the religious significance of a chaplain’s participation in small but important public activities or demonstrations. I am convinced that this pandemic has created a new religious sect within many religious bodies, where receiving the COVID-19 “jab” has become some sort of ceremony or an initiation rite or ritual. My experience in this struggle points me to the fact that the COVID-19 “jab” has become a modern idol, and misled people have placed their trust in it instead of trusting God.

9. The “jab” was advertised as being “safe and effective” and the data shows that it is not safe nor effective. Still, I have been pressured by my

superiors to go against my conscience and receive the job or suffer the consequences. This reminds me of the three young men in the book of Daniel chapter 3, Shadrach, Meshach and Abednego, who refused to fall down and worship an image of gold made by king Nebuchadnezzar. They would rather be thrown into a blazing furnace than to worship the image of gold made by the king. In the same way, I would rather be discharge from the Navy, even with a dishonorable discharge, than to violate my conscience and dishonor the God who has called me to serve him in the Navy. I don't trust the safety nor effectiveness of the "jab", taking the "jab" would be a sin, for Romans 14:23 says that "...whatever does not proceed from faith is sin."

10. 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.

July 10, 2022

  
Israel Alvarado

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :

*Plaintiffs,* :

v. :

Case No.: 8:22-CV-1149

LLOYD AUSTIN, III, et al., :

*Defendants.* :

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SUPPLEMENTAL DECLARATION OF [CHAPLAIN JUSTIN ELISHA  
BROWN LIEUTENANT

Pursuant to 28 U.S.C. §1746, I, Justin Elisha Brown declare as follows:

1. My name is Justin Brown. 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 supplemental declaration to support my challenge to the Department of Defense and Department of the Navy mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.

3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF

MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.”

It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. I completed Officer Development School in 2013, went to phase I of Professional Naval Chaplaincy Basic Leadership Course in 2017, and finished Phases 2 and 3 in 2019. In Chaplain school I recall two class lessons titled Foundational Documents of the Naval Chaplain Corps and Constitutional Foundations for the Free Exercise of Religion. Neither of these courses mention Section 533 of the NDAA nor do I recall any discussion pertaining to this section. We were told we had to operate in a pluralistic environment, that we only had to conduct church services according to the forms and manners of our faith, and that we should ask our Endorsers what our boundaries are if we had questions. 5. During Chaplain School we were given the powerpoint presentations and all of the pertinent instructions associated to our lessons. The presentation Constitutional Foundations for Free Exercise lists DODI 1304.28 as a reference, we did not discuss this instruction nor the addition of Section 533. In conducting a digital search of all the materials given to me at Chaplain School DODI 1304.28 is only place where Section 533 is listed, and I do not recall ever discussing or hearing about Section 533 of the NDAA at all. Any discussions we had regarding

matters of conscience pertained to confidentiality and how to be a professional Naval Chaplain in a pluralistic environment.

6. When attending our annual Chaplain training (PDTW/PDTC) and monthly area wide chaplain training I do not recall ever hearing about Section 533 or intent to establish any training pertaining to Section 533 of the NDAA. To my knowledge there are no online chaplain courses pertaining to section 533, if they exist they have not be disseminated in a manner that would enter my awareness.

7. The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.

8. I have not heard of any discussion or intent to develop a training program on religious liberty needs/issues for our military leaders. During my



assignment to the USS Vicksburg I served on a “Think Tank” with local senior chaplains in the area to develop a strategy for disseminating information vital to the Chaplain Corps. While serving in this capacity there was no discussion of training for religious liberty issues. To my knowledge the extent of the training given to our Naval leaders receive pertains to how to use your Chaplain. I also participated in and gave feedback for a pilot training akin to Basic Division officer course (BDOC) , for Staff officers (JAGs, Chaplains, Medical personnel, Logistics officers) reporting to surface vessels in the Atlantic area (SURFLANT). This training featured instruction from each discipline and made no mention of conscience, religious liberty or Section 533 of the NDAA.

9. The symbolism of taking the Covid shot carries with it a religious significance of a chaplain's participation in important public activities or demonstrations. My objection to the Covid shot as listed in my initial declaration is three fold centering on God given convictions of the evil of child murder, (euphemistically called abortion), my body as God's temple, and use of my God given faculties of reason and discernment to make Christ like decisions<sup>1</sup>. My conscience and convictions are God ordained and governed, therefore my works (actions/decisions) are evidence of and in accordance with

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1 Galatians 2:20

my faith<sup>2</sup>. A God given conviction precludes me from taking the Covid shot, that is increasingly demonstrated to be ineffective, and my natural immunity far superior as I have not tested positive for Covid, nor had symptoms since March 2020. Therefore the compulsion to take the Covid shot is not one of health and safety but compliance, equal to a religious rite. Given the reliance on child murder for the development and existence of these Covid shots, they are little more than child sacrifice for a benefit, a heinous practice of human sacrifice akin to the worship of Moloch abhorred by God in the Old Testament. To take this Covid shot would be a violation of my God given convictions, a participation in an abhorrent practice of child murder for a benefit, and a compulsory participation in a religious rite from a religion not my own<sup>3</sup>.

10. To take the Covid shot would be an abdication of my God given convictions and a public renunciation of my faith, in effect an anti-baptism. Acquiescing to this unlawful order would be deleterious to my role as a Chaplain in facilitating and safe guarding the free exercise of religion. It is impossible to assert the military is a pluralistic environment when the Chaplain is not permitted to abide by the tenets of their own faith. The Coast Guard has sought to compel me to violate my conscience and God given

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2 James 2:18, 20, 26

convictions in spite of being made aware of the protections afforded me by Section 533 of the NDAA and the injunctive relief provided by Judge Reed O'Connor's ruling in Navy SEALs 1-26 v. Biden in the District Court, N.D. Texas. Like all other members of the Coast Guard who sought a Religious Accommodation, I have had adverse action taken against me in the form a being issued a Negative Page 3307, stating I am in violation of Article 90 and 92 of the UCMJ. Regardless of the pressures to comply with the religious rite of Covid shots, negative action, and risk for moral injury the Coast Guard has placed upon us, I and so many other Coast Guard members of faith, remain committed to our God given convictions. On Christ the solid Rock I stand; all other ground is sinking sand.

11. 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. Soli Deo Gloria

July 11, 2022

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

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3 The Satanic Temple has stated that abortion is a religious sacrament of their faith and sued to ensure its continued practice. <https://www.washingtontimes.com/news/2021/mar/6/satanists-sue-for-religious-right-to-ritual-aborti/>

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 LLOYD AUSTIN, III, et al., :  
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 *Defendants.* :  
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Case No.: 8:22-CV-1149

**SUPPLEMENTAL DECLARATION OF David Andrew Calger, Captain**

Pursuant to 28 U.S.C. §1746, I, David Andrew Calger declare as follows:

1. My name is David Calger. 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 supplemental declaration to support my challenge to the Department of Defense and Department of the Army mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.
3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF

MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.”

It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. I commissioned as an Army Chaplain in October 2017. I have never been briefed or instructed on the FY 2018 NDAA Section 533 on the Protection of Rights of Conscience. I was wholly unaware of such a provision until lawsuit.

5. The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.

6. Since my commissioning in 2017 I have not received any official training related to religious liberty, however there was instruction on religious liberty at CH-BOLC 2011. I have received emails of guidance from

the Chaplain Corp on topics such as LGBT issues (marriage, pronouns) and how those topics relate to religious liberty and the role of the chaplain.

7. The Christian faith teaches that man's conscience matters (1 Tim. 1:5,19; Acts 24:16; 2 Cor. 1:12; Rom. 2:15), that God gave man moral conscience to act as a guide for his life and a check on his behavior. As stated in the Catholic *Dignitatis Humanae*:

“In all his activity a man is *bound* to follow his conscience in order that he may come to God, the end and purpose of life. It follows that *he is not to be forced to act in a manner contrary to his conscience*. Nor, on the other hand, is he to be restrained from acting in accordance with his conscience, especially in matters religious.”

The importance and power of conscience is something agreed upon by Catholic and Protestant Christians. In forcing me to take the vaccine the DOD would be forcing me to violate my conscience, which in turn would violate my faith. Thus the DOD is forcing me to either violate a sincerely held religious belief to avoid punishment (this seems contrary to the First Amendment) or to violate my conscience and faith for the sake of compliance. The DOD desires to replace my conscience and my faith with their metrics and their mandates. As a Chaplain I cannot set this example. I am a spiritual

leader and am expected to NOT violate my conscience or my faith.

Additionally the Christian Scriptures are clear in teaching that the conscience can become “seared” and that the Christian thereby becomes spiritually bereft and dangerous (1 Tim. 4:1-2). If the DOD wishes me to violate my conscience and risk the spiritual and mental harm that would come with it I will eventually be of no use to the Army as a leader in matters of the conscience or faith. Harming the conscience for the sake of a command is a dangerous precedent to set and my faith cries out against it.

8. 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.

July 10, 2022

**David Andrew Calger**

UNITED STATES DISTRICT COURT  
 MIDDLE DISTRICT OF FLORIDA  
 TAMPA DIVISION

ISRAEL ALVARADO, et al.,

*Plaintiffs,*

v.

LLOYD AUSTIN, III, et al.,

*Defendants.*

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Case No.: 8:22-CV-1149

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SUPPLEMENTAL DECLARATION OF CDR John Jacob Ismach-  
 Eastman

Pursuant to 28 U.S.C. §1746, I, John J. Ismach-Eastman declare as follows:

1. 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 supplemental declaration to support my challenge to the Department of Defense and Department of US Navy mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.



3. Section 533 is entitled, "PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS."

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4. To my knowledge I do not recall having heard of Section 533 specifically or in instruction related to its component parts, *e.g.*, protection of chaplain's decisions related to conscience; or (b) ever heard of or received instruction at either a subsequent Chaplain Corps or Armed Service school on Section 533 and/or its component parts in any kind of a Chaplain professional development course, or other teaching vehicle such as Chaplain seminars, informal get-togethers or counseling.]

5 I am now aware the FY 2018 NDAA, Complaint Exhibit 4, states the following: "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 FY 2018 NDAA further states:

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.

6 As a Commander, I was unaware of any coordination between the Department of Defense and the respective Chiefs of Chaplains about developing curriculum or plans to implement "training concerning religious liberty in accordance with the law."

7. 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.

July 11th, 2022



CDR John J Ismach-Eastman

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :

*Plaintiffs,* :

v. :

Case No.: 8:22-CV-1149

LLOYD AUSTIN, III, et al., :

*Defendants.* :

\_\_\_\_\_ :

SUPPLEMENTAL DECLARATION OF LT NATHANAEL A.  
GENTILHOMME, CHC, USN

Pursuant to 28 U.S.C. §1746, I, LT Nathanael A. Gentilhomme, CHC, USN, declare as follows:

1. My name is Nathanael Gentilhomme. 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 supplemental declaration to support my challenge to the Department of Defense and Department of the Navy mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal

knowledge.

3. Section 533 is entitled, "PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS."

It has three subsections: "(a) PROTECTION OF RIGHTS OF CONSCIENCE"; "(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS"; and "(c) REGULATIONS."

4. I attended the Navy Chaplain Basic Leadership Course in October-November of 2014. At no time were the subject or contents of Section 533 of the NDAA addressed specifically in any way, shape, or form during our formal and informal periods of instruction. While the idea that Chaplains were to help guard and maintain service members' Constitutional "free exercise of religion" was mentioned, Section 533 was never discussed and/or connected to religious liberty.

5. Next, I have never heard anything about Section 533 at an Area Wide Religious Ministries Training (AWT), Professional Development Training Course (PDTC), or any other kind of Navy or Marine Corps Professional Military Education (PME) session. Further, I have never heard a single senior Navy Chaplain even breach the topic of Section 533 in smaller, informal Chaplain mentoring sessions prior to this litigation.

6. In the Navy and Marine Corps, we have required annual training we must complete online or in person. None of these courses have ever included specific and/or detailed training on the provisions in Section 533's

subsections. I have been trained on everything from Operational Security (OPSEC), Records Management Training, Personal Identifiable Information (PII), Smoking Cessation, Sexual Assault Prevention and Response (SAPR), Bystander Intervention, Suicide Intervention and Prevention and more, but never anything stressing what does/does not classify as a matter of conscience, and what kinds of scenarios qualify, or do not qualify, as something where individual service members can be informed by religious beliefs.

7. The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.

8. While I have sought to stress the Constitutional rights of all Sailors and Marines, during various trainings at my commands, to freely exercise

and live according to their religions, I have never been involved in a Chaplain training session or meeting with my commanders where this topic was intentionally and thoroughly addressed by senior leaders. All of my commanding officers have generally acted favorably toward service members' First Amendment rights; however, they have never intentionally and thoroughly discussed plans to provide detailed training on religious liberty issues. Since these strategic planning sessions and discussions never happened, naturally the training never happened either. Neither have senior Chaplains ever trained me or directed me to conduct thorough training for Marines and Sailors on the importance of religious liberty and matters of conscience.

9. Finally, while not immediately recognized by many, there is significant symbolism in the act of willingly getting the COVID shot. To many, this act may seem small and insignificant, but to myself and thousands of other service members with strict religious beliefs and matters of conscience, participating in the mandated ritual or rite of receiving the COVID shot would be a direct violation of our religious beliefs and consciences. To further emphasize the ritual/rite or ceremonial aspect of getting the COVID shot, consider such public political figures like Vice President Mike Pence, President Joe Biden, President George W. Bush, and many others who turned a simple doctor's visit to get a shot into a nationally broadcasted ceremony

and event. Getting the COVID shot for countless Americans has become, not so much something they personally believe in or think they need to keep them safe from COVID, but more so as a rite of passage to be accepted into tennis tournaments, concerts, athletic events, colleges and universities, friend and family gatherings, travel to other countries, and yes, to even remain employed. Countless Americans, to include thousands in our military, also went against their religious beliefs and matters of conscience to comply with these un-Constitutional COVID shot mandates. Section 533 specifically states that Chaplains may not be required *“to perform any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs.”* Because of my religious beliefs about the COVID shots and my conscience before God, being an active participant in the ceremony and rite of getting the mandated COVID shot would defile my conscience and cause me to sin against God. Section 533 and its subsections protects me from the Navy taking any adverse actions against me and from having to sin and defile my conscience. How am I supposed to pastor and lead the other religious members of the Navy, Marine Corps, and perhaps in the future the Coast Guard, if I, as a Christian Navy Chaplain will not even stay true to my own matters of religion and conscience? Like so many others, I would become a fake and a hypocrite if I were to do so.

10. 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.

July 11, 2022

A handwritten signature in black ink, appearing to read "Nathanael A. Gentilhomme", with a stylized flourish at the end.

LT Nathanael A. Gentilhomme, CHC, USN



**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

ISRAEL ALVARADO, et al., :

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v. :

Case No.: 8:22-CV-1149

LLOYD AUSTIN, III, et al., :

*Defendants.* :

\_\_\_\_\_ :

**SUPPLEMENTAL DECLARATION OF CHAPLAIN DOYLE  
GEOFFREY HARRIS, CPT.**

Pursuant to 28 U.S.C. §1746, I, Doyle Geoffrey Harris declare as follows:

1. My name is Doyle Harris. 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 supplemental declaration to support my challenge to the Department of Defense and Department of the US Army mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.
  
3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF

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4. I completed Basic Chaplains Officer Course (CHOBC) in the summer of 2005 intending on only completing the necessary time in the Reserves to pay back the Tuition Assistance I had received. We proceeded into the Inactive Ready Reserves until March 2010. A couple years later God changed my heart and my wife and I applied for Active Duty which commenced on 13 May, 2013. Until this current COVID debate, I had never heard of Section 533. Though back in my CHOBC (2003/2005) I remember an ethics class that taught us that as Chaplains one of our roles is to be both a morale and moral advisor to the command and that we NEVER had to follow an order that was unlawful or immoral. This teaching of course would have pre-dated the 2013 NDAA by a decade.

5. I attended and completed a hybrid version of our Captains Career Course in Winter 2019/Spring 2020 which consisted of online video driven instruction with test out sections and then a 2-week in person instruction at our School House at Ft. Jackson, SC in late February/early March 2020. It had writing classes, maneuver classes, military instruction classes, but nothing was taught regarding freedom of conscience nor was there any mention of any NDAA past or present.

6. In early 2021 there was some perfunctory training conducted over Microsoft TEAMS by a Senior USARJ chaplain for other chaplains on the newly updated AR

600-20 dealing with the topics of Religious Accommodation and Religious Liberty. There were only Chaplains and Religious Affairs Specialists in this training, no JAG or commander representation. At this time there was no mention of any NDAA or its Section 533. During that training we were told that this was phase 1 and to submit RFI's to run up the chain and they would be compiled and sent to Department of the Army Chaplaincy for answers. We were told there would be follow on training on RA/RL in conjunction with JAG and other resources at a future date. This training never happened. Months later, my BN commander told me that he had never heard about Religious Accommodation/Religious Liberty until I brought it up to him in the days shortly before Secretary of Defense Austin issued his mandate. Until I began to prepare for this legal action, I had never heard of NDAA 2013 section 533.

7. The FY 2018 NDAA, Complaint Exhibit 4, states the following: "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 FY 2018 NDAA further states:

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Recipients of this training should include commanders, chaplains, and judge advocates.

8. The only training I received on RA/RL is the one-time training to discuss the changes to AR 600-20 in early 2021. There were no following phases or trainings that I was made aware of. There was zero discussion of a comprehensive training program of any sort.

9. Throughout the “Intimidation Drive” towards vaccination, I was often put in precarious situations by this command. At multiple times (months before the vaccination was even mandated, as early as April/May 2021) public huddles or gatherings were conducted where intense pressure and intimidation was placed upon Soldiers to get vaccinated. Illegal suggestions of withholding Leave and other benefits were used. At one such gathering the outgoing BN Commander (LTC Temko) walked through the formation and stopped in front of me before a required picture opportunity. He squared up in front of me and asked in a voice loud enough for subordinate Soldiers and officers to my left and right and asked, “Chaplain, I see you have not been vaccinated for COVID19 yet. Why not?” This put me in a very public position where I had to divulge my verified Autoimmune Disorder and that I was consulting my primary doctor. This encounter in essence released my Private Health Information and is a violation of HIPPA. I am not an antivaxxer and have had plenty of Army vaccinations in my career, but in each case those

vaccinations had gone through rigorous, multi-year use trials and had demonstrated relative safety. Here this vaccination was still being marketed under the EUA trial period and they were pushing it so hard that they were isolating people and devaluing rational concerns. This has been immoral and unethical from the beginning, but it was conveyed loud and clear that to “Bow the Knee” was the only acceptable solution. Through the process I sought wisdom and the direction of God carefully, and continue to remain convinced that my decision to abstain, for me, is the correct and conscientious decision consistent to my larger faith commitment regarding caution of what “medicines” I allow in my body. The issue of conscience is one that is discussed by both the Old Testament (book of Daniel) and by the New Testament (Pauline Epistles) and an issue that I believe should be taken seriously. The more observant I have become, the more damage I have seen brought into the lives of many that I care about all because as a nation we “rushed headlong” into this specific vaccination. I have friends younger than I who have developed serious medical issues including one healthy 43 year old police officer friend who had a stroke (no family history of High Blood Pressure prior to COVID shot) two months after receiving the covid shot. To this day, my friend remains paralyzed and in the hospital. I believe in God’s provision and protection. Since refusing this COVID shot, my wife, my 2 sons, and I have at different times tested positive for COVID. We all snapped back

in 12-36 hours from very mild symptoms, and one of us had no symptoms at all. Now we all have natural God-ordained natural immunity.

10. 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.

July 10th, 2022

**Doyle Geoffrey Harris**

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :

*Plaintiffs,* :

v. :

Case No.: 8:22-CV-1149

LLOYD AUSTIN, III, et al., :

*Defendants.* :

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**SUPPLEMENTAL DECLARATION OF Chaplain (CPT) Andrew Hirko**

Pursuant to 28 U.S.C. §1746, I, **Andrew Michael Hirko** declare as follows:

1. My name is **Andrew Hirko**. 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 supplemental declaration to support my challenge to the Department of Defense and Department of **The Army** mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.

3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.”

It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. I attended the Chaplain Basic Officer Leader Course (CHBOLC) from January to April 2021. Section 533 was not instructed upon or discussed in the course by name. I also believe that it was not taught in substance or context.

5. To my knowledge, I have never received any instruction on Section 533 at any of the additional trainings that I have received in the Army. The first time that I received any knowledge of Section 533 was as a plaintiff in this case.

The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.

6. Although I have heard chaplains talk about the importance of protecting religious freedom, I haven't heard of a "an intentional strategy for developing and implementing a comprehensive training program on religious liberty issues for military leadership and commanders."

7. God—not one's human conscience—should be the final arbiter of our actions. However, our loving Creator gifted us with a conscience to aid us in our decision-making. Acts 24:16 says "So I strive to keep my conscience clear before God and man." The symbolism of vaccination; the religious significance of a chaplain's participation in small but important public activities or demonstrations. The soldiers that I care for are watching me. I would be completely useless as a chaplain if I could not stand for the convictions of my conscience. Multiple times by senior level chaplains and senior level leaders I have been coerced and ridiculed because of my convictions. I have been told that it is my "duty" to get the vaccine. I have been told that "I don't have convictions; I just have pride." Repeatedly I have been told to worship on the altar the COVID-19 vaccines; If I just take the vaccine all of issues will be removed. Recently, I have been asked several times to get one of the newer vaccines because I shouldn't have any objection to them. All of this has been

an effort to bind my conscience and to have it be controlled by something other than my faith.

8. 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.

July 11, 2022

**Andrew Michael Hirko**  
**Chaplain – US Army**

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :  
 :  
 *Plaintiffs,* :  
 :  
 v. :  
 :  
 LLOYD AUSTIN, III, et al., :  
 :  
 *Defendants.* :  
 \_\_\_\_\_ :

Case No.: 8:22-CV-1149

SUPPLEMENTAL DECLARATION OF CHAPLAIN CAPTAIN RYAN P JACKSON

Pursuant to 28 U.S.C. §1746, I, Ryan P Jackson declare as follows:

1. My name is Ryan P Jackson. 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 supplemental declaration to support my challenge to the Department of Defense and Department of the Air Force mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.

3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.”

It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. To the best of my memory, I believe I began to be required to do a Religious Freedom training either annually or every 3 years on the religious freedom in the Air Force and respect of the Airman’s conscience. I think this training mentioned the Religious Freedom Reformation Act and the NDAA 2014. What I remember about the training was a general teaching that Airmen have the right to practice their religion and not be discriminated against. I believe, it also talked about the Airman’s right to requesting a religious accommodation. The Religious Freedom Reformation Act is taught on every year at my endorser’s conference. I am endorsed by Liberty Baptist Fellowship.

5. The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.

6. The Religious Freedom ancillary training the Air Force requires seems to be the training program or curriculum for its members. I am not aware of other training or details for extra training commanders or Air Force leaders receive. The Basic Chaplain Course and my Chaplain Candidate training focused mostly on respecting faiths other than my own and being careful not to offend someone who does not believe in Christianity. The schools were heavy on repetitively teaching not to proselytize; that is, not to preach or teach someone to convert or espouse the same faith as me. We were also told many times that if we prayed using the name of Jesus Christ, we would be offending others who don't believe in Him. Even if our own faith and conscience as a chaplain is to pray using the name of Jesus, we were advised to omit what might offend others. We were also told that even though it is not a regulation to restrict a chaplain's prayers, our wing chaplain would most likely restrict us from praying at public events so that others would not be offended by the chaplain's faith and prayers in Jesus' Name.

7. Concerning the symbolism of COVID-19 vaccination, the religious significance of a chaplain's participation is small but important in public

activities or demonstrations. If I were to reverse my action on how God has led me, it would be a public renunciation of my belief that God directs my way and path through my conscience. This is important in the context of Section 533(b) because: (1) it specifically addresses any “*rite, ritual, or ceremony* that is contrary to the conscience, moral principles, or religious beliefs of the chaplain; and (2) the chaplain’s role as a religious leader or pastor in the unit, organization, or community.” My own wing chaplain told me at the beginning of the COVID-19 mandate that if a chaplain held that he could not in good faith receive the COVID shot, but then reversed his view later under pressure, he would be displaying a lack of integrity. Such a display of integrity lapse would be hurtful to the chapel corps, as it would be a public declaration that such a chaplain did not have solid foundation of trustworthy faith. I now see that he was right—I cannot forsake my conscience before God, even though the government has rejected my religious accommodation request.

7. Being unvaccinated has not and continues to not hinder my ability to serve Airmen and their families except by policy hindering my travel and potential Permanent Change of Station (PCS) next year. My initial request and appeal gave clear evidence to this fact, though it was ignored and not addressed. My service has given no indication that I have been causing breach in good order and discipline among the Air Force.

service has given no indication that I have been causing breach in good order and discipline among the Air Force.

8. 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.

July 10, 2022

*Ch, Capt Ryan Peter Jackson*  
Chaplain, Captain, Ryan P Jackson

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :

*Plaintiffs,* :

v. :

Case No.: 8:22-CV-1149

LLOYD AUSTIN, III, et al., :

*Defendants.* :

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SUPPLEMENTAL DECLARATION OF **James Bradley Lee, Chaplain**  
(COLONEL)

Pursuant to 28 U.S.C. §1746, I, **James Bradley Lee** declare as follows:

1. My name is James Bradley Lee. 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 supplemental declaration to support my challenge to the Department of Defense and Department of the Army mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.



3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.”

It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. I entered active-duty service on 3 July 1999, well before the existence or necessity of Section 533, originally published in the NDAA in 2013. With that, until recently I was not familiar with Section 533 and its’ implications in our current circumstances or the litigation that I am now engaged.

5. The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.

6. My experience has been that religious freedom and religious accommodation are honored so long as they do not interfere with the mission. My observation as such is that many people of faith have set aside or suspended any need for accommodation until at such time, such as completion of the mission, etc., when they are able to exercise their faith or fully satisfy a religious requirement in accordance with the tenants of their faith. I have come to believe that this symbiotic relationship between religious freedom and the mission has existed for some time, at least since I have been on active duty. To be clear, this is my opinion based on observation and experience over a 25-year career. However, the subtlety of this paradigm has continued over time and has made for ripe opportunity to blatantly trample on religious freedom all in the name of mission readiness. The COVID-19 vaccine mandate has revealed a complete disregard, and disdain in some cases, for individual religious freedom as the beliefs of many like myself, have come at odds with a requirement that Army leadership has unjustly, and unlawfully I would add, elevated overriding free exercise in the name of mission readiness.

7. As a senior (O-6) Chaplain, it is my responsibility to ensure that any training purported by the Office of the Chief of Chaplains (OCCH), is completed and implemented within my organization in accordance with the

guidelines set forth by OCCH. Unfortunately, until such training or guidance is set forth via direct guidance from OCCH, Executive (EXORD) or Fragmentary order (FRAGO), I am not privy to any collaboration that may or may not formally take place between the Department of Defense and OCCH. However, Exhibit #2 (HQDA 298-20 Religious Liberty and Religious Accommodation) is an EXORD directing “the office of the Chief of Chaplains to develop and publish training on the policies and procedures for requesting and receiving religious accommodation” (para. 1.C.). As it relates to our specific case, I can attest to the dissemination of a training package entitled “Religious Liberty and Religious Accommodation in the United States Army,” which was set forth in September 2020 (see Exhibit #1 Religious Accommodation DACH). The presentation consists of 94 slides and covers many references, including the Constitution, Religious Freedom Restoration Act, DoDI 1300.17, and other Army regulations. However, nowhere in the presentation are there any references to the 2013 NDAA and specifically Section 533. I ensured that my formation was sufficiently trained in the material and ensured that each subordinate element provided said training for their individual Commands. Even as an O-6 Chaplain, I conducted the training within my organization (311<sup>th</sup> SC) at the company level. Frankly, I recall the majority of my Chaplains reporting that their Commanders were too busy to attend an entire hour of training but instead requested a

shortened or “desk-side” brief in order to satisfy the requirement. In congruence to what I stated earlier, this affirms my belief that many Commands do not take seriously the issue of Religious Freedom as it is subservient to the mission. Keep in mind, this training was published in 2020, nearly a year before the COVID-19 mandate was decreed. Once the mandate came into effect in September 2021, I noted many Commands scrambling to ensure their Chaplain trained their organization on Religious Accommodation. I recall virtually attending one such training in approximately October 2021, and realizing that my fears were being realized as Commanders at the Battalion and Company levels, were touting their opinion that mission readiness overrides religious accommodation, even in spite of sincerely and deeply held beliefs. In response to that concern, I had a face to face meeting with the 516<sup>th</sup> Signal Brigade Commander, COL Leondro (Lee) Adams. I further realized that religious freedom was in jeopardy as COL Adams insisted that mission accomplishment (See slide #25, Religious Accommodation DACH) supersedes any religious accommodation request. As a Commander, he held that his was the power to determine not only the legitimacy of a religious accommodation request but to squelch that request for the sake of the mission. It was clear to me that Commanders, at all levels, were most concerned with how to ensure mission accomplishment at the expense of religious freedom. Despite the efforts of Chaplains at all

levels, our voices seemed to be systematically quelled by the ensuing FRAGO's that were soon and continually published to outline religious accommodation processes and other actions to be taken against the "unvaccinated." Also apparent to me was the effort to marginalize the Chaplaincy as Commands turned to the JAG corps to garner clarification on the religious accommodation process. As the religious accommodation process began to unfold, I further recall Commands (both in my organization and outside as well), again at all levels, taking undue liberty to determine the level of depth and sincerity of individual religious beliefs. In some cases, some Commands did not even allow religious accommodations to be submitted on the basis that they deemed the request to be "insincere." In other cases, Commands, again well outside the scope of their authority, required additional writing or rewriting of religious accommodations to better gauge the "sincerity" of an individual Soldiers. I personally wrote an additional Memorandum for Record (MFR) for a Soldier whose company commander who required additional proof of this Soldiers sincerity. The practices and requirements placed upon many across the force was nothing short of religious discrimination and persecution. Keep in mind, it was in 2020 that the Chaplain Corps set forth guidelines and procedures that were based on law, regulation, policy, and Constitutionality. Slide #25 highlights, "A religious practice does not have to be compelled by, or central to a system

of religious belief.” And while this is only a statement on a slide, it is based on Constitutional law. But I have observed and been aware of Commands over and over making their own determinations regarding the legitimacy of individual Soldiers claims of faith or religion as it relates to their religious accommodation request. And in some of those cases, Soldiers have been subject to discriminatory practices above and beyond what has even been set forth in the FRAGO’s and guidance. For example, I know of an NCO who was required to wear a mask while running in formation, in an outside environment, which is not in alignment with specific guidance published by the DoD. And as that NCO was the only person in that company organization who had submitted a religious accommodation, the Command talked of that Soldier in disparaging and discriminating terms. The license we have allowed Commands to exercise in how they have treated Soldiers in this process is atrocious and an absolute affront to religious freedom. But again, my experience has been that many issues, and religious accommodation in this case, are not given priority until they are at the forefront of attention, which clearly became the case in the fall of 2021. The fact that this matter was not taken seriously prior to that point is evident as Commands and leaders across the board have simply made up their own rules and enacted their own procedural practices. A serious understanding, or even just basic respect of religious freedom and liberty would have possibly

mitigated some of what has happened. But I would also argue that had Chaplains been given due respect as it relates to their proponency and responsibility to free exercise, Commands would have been less inclined to act in the near barbaric manner that many of them have with such a collective arrogant disregard for religious freedom. I would further argue and conclude that had Section 533 been upheld and enforced as it was originally enacted, the Chaplaincy would have been the beacon for religious freedom that it was intended to be and we would not have traversed down the road of religious discrimination and persecution that we now find ourselves on.

8. I have purported that for me to take the COVID-19 vaccine, is to sin. My religious beliefs have not only been questioned but I have been ostracized, discriminated against, denied an assignment, not allowed to PCS to an alternate assignment, been denied the opportunity to go TDY (three times) in order to do my job, and otherwise treated “less than” as one who has not “bended the knee” to comply. In January 2022, I was subject to discriminatory testing of “the unvaccinated.” I submitted a separate Religious Accommodation Request (RAR) on 7 February 2022 (Exhibit #3 RAR for Testing Original), for an alternate form of testing. While awaiting a response, testing requirements were lifted for a time but reinstated in early May 2022. Near that time, I received a response to my initial RAR for testing as “no action taken.” Despite the legitimacy of my initial testing RAR, I was

required to resubmit my RAR for testing, which I did on 10 May 2022 (Exhibit #4 RAR for Testing Resubmission). On 25 May 2022, I received notification that my RAR for testing was denied (Exhibit #5 COL Lee Testing Exemption Request Determination). However, the denial subject was noted as “Decision on Religious Exemption Request for Medical Care.” The continued theater by the Army in this process is evident and astounding as my RAR was for an alternate form of testing in order to comply not to be exempted. Furthermore, the testing procedures emplaced for “the unvaccinated” have clearly been declared as “non-medical” by FRAGO’s and supplemental annexes. And yet, this memo is produced by an SJA and signed by a Major General with complete disregard for proper process, let alone religious freedom. Furthermore, in reference to the religious accommodation training (see paragraph 7.), Slide #20 highlights Command roles in religious accommodation noting “It is the Commander’s responsibility to approve RA requests or demonstrate how/why disapproval is necessary (military necessity) and must do so by the least restrictive means.” You will note there is no explanation given in this memo but simply a “block check” answer given, “Disapprove of the religious exemption request for an exemption from medical care, COVID-19 testing.” Again, this response does not even answer my request but I submit is a blatant affront and disregard for religious freedom and specifically my attempt to seek accommodation.



And even my request for religious accommodation is in order to comply with testing that I feel is discriminatory as it is aimed solely at those who are “unvaccinated.” In this case, and in my organization, the only “unvaccinated” subject to testing are those who are pending religious accommodation requests. For me personally, and for many others, the discrimination continues as we await resolution on many fronts to include the issue of the mandate itself, and in my case, even the simple matter of testing is yet unresolved.

9. 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.

July 11, 2022

*James B. Lee*

James Bradley Lee  
Chaplain (COL), U.S. Army

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :

*Plaintiffs,* :

v. :

Case No.: 8:22-CV-1149

LLOYD AUSTIN, III, et al., :

*Defendants.* :

\_\_\_\_\_ :

**SUPPLEMENTAL DECLARATION OF CH (COL) BRAD P. LEWIS**

Pursuant to 28 U.S.C. §1746, I, **Brad Preston Lewis**, declare as follows:

1. My name is **Brad Lewis**. 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 supplemental declaration to support my challenge to the Department of Defense and Department of Army mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.
3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF

MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.” It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. I was commissioned as a chaplain candidate in the US Army Reserve in 1995, the same year I attended the Chaplain Officer Basic Course (CHOBC) at Ft. Monmouth, NJ. I attended the Chaplain Captain Career Course (C4) in 2007. I also attended the Chaplain Lieutenant Colonels Course in 2016. In all of these chaplain specific courses training on religious accommodation was limited to discussions about collegiality and not proselytizing in our official capacity as Chaplains. In 2019, while I was deployed to Afghanistan, in response to the requirements of the 2018 NDAA the Office of the Chief of Chaplains developed and distributed training designed to “Train and advise the Army on Religious Liberty and Religious Accommodation.” At that time, there was a surge in Religious Accommodation Requests for Beards, Broadswords, and Battleaxes. So as to assist commanders and chaplains as they worked to navigate the process of submitting and approving Religious Accommodation Requests, the OCCH training focused on the process and the role commanders and chaplains played. Nowhere in that training was Section 533 of the NDAA mentioned despite the legal clarity it provides in regard to religious liberty.

5. Additionally, the training was SOLELY focused on the RA process and never

addressed the special protections provided to chaplains. That is, it failed to recognize the protections provided to chaplains while outlining the responsibilities chaplains have when OTHER soldiers seek accommodations. Despite the verbiage of the EXORD, there was scant energy to actually conduct the training, either from OCCH, JAG, or commanders on the ground.

6. The training provided, while intentional, can hardly be called “strategic” as it merely addressed the tactical steps necessary to properly process a religious accommodation request. Even the scenarios used to illustrate that process and assist in learning focused on Beards, Broadswords, and Battleaxes.

7. IAW Paragraph 3.B.1 of EXORD 298-20, OCCH failed to provide MTT training to senior chaplains in the field and, instead, relied on those senior chaplains to simply “brief the slides” provided. I believe this failed to meet the intent of both the EXORD and the NDAA requirements.

8. The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.

9. This litigation is the first time I have been made aware of Section 533 of the NDAA. Even as an O6 Chaplain with 26 years of active federal service I was not privy to any discussions in the development of the OCCH Training that involved Section 533.

10. As I said in my original declaration, I hold that the global and coercive nature of the COVID vaccine mandates is too close to the warnings in the Bible of a person, entity, or organization that will one day force mankind to bow to its authority. As a Christian believer with a strong eschatology, I must take whatever actions I can, and go to whatever lengths I must, to avoid association, even a slight association, with that person, entity, or organization. To take the vaccine would, therefore, be an affront to my faith and would only serve to weaken the perceptions of those around me as to the strength of that faith, and the depth of my conviction in my current course of action. As an officer in the US Army, I took an oath to support and defend the Constitution of the United States. ALL of it. This includes the exercise and establishment clauses of the First Amendment.

11. With that in mind, my faith and my oath, I echo the words of the Great Reformer, Martin Luther in April 1521, as he stood before Emperor Charles V to answer for his “apostasy” and said, “To go against conscience is neither right nor safe. I cannot and I will not recant. Here I stand. I can do no other.”

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

July 11, 2022

**Brad Preston Lewis**



MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.”

It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. I entered the Air Force Basic Chaplain Course at Maxwell in Aug 2019. I don’t recall if Section 533 was mentioned at that time in my course. If it was, I don’t remember being instructed to inform our leadership about how Section 533 of the 2013 NDAA applies to chaplains.

5. I recently went through the Air Force Computer Based Training (CBT) on Religious Freedom. The CBT covers the basics of religious freedoms for Airmen and is required training every three years as self-study. I have not been instructed from any Wing Chaplains on Section 533 and how this protects matters of conscience or personal beliefs.

6. The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.

7. I have never heard any discussion about a strategy or means to instruct leadership or commanders on implementing a program for religious liberty. This would be helpful in the current position I am in as a One-Deep Chaplain. In True North, I am imbedded with my Group and I report directly to a line-officer rather than a Wing Chaplain. I have not been given materials or guidance to present to my leadership to formally train on religious liberty.
8. Computer-Based Training often becomes the “catch all” for branch-wide training on matters that the DOD requires the military instruct. The Religious Freedom Training CBT communicates how chaplains’ rights are protected in the sub-section labeled “Guidance.” The CBT states:

The second area of NDAA, SEC 532, states, the protection of chaplain decisions relating to conscience, moral principles, or religious beliefs means that no member of the Armed Forces may:

- 1) require a chaplain to perform any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain; or
- 2) discriminate or take any adverse personal action against a chaplain, including denial of promotion, schooling, training, or assignment, on the basis of the refusal by the chaplain to comply with a requirement that is contrary to their religious beliefs.

9. The Computer-Based Training communicated that the Armed Forces cannot “require a chaplain to perform any right, ritual, or

ceremony that is contrary to the consciences, moral principles or religious beliefs of the chaplain.” I have been ordered twice to take a shot that violates these principles and matters of conscience.


10. The symbolism of vaccination; the religious significance of a chaplain’s participation in small but important public activities or demonstrations. According to Romans 12:1, Christians are urged to “offer your bodies as a living sacrifice, holy and pleasing to God—this is your true and proper worship.” This scripture directs me to give my life to God first with my heart, soul, mind and strength. The vaccinations for COVID-19 were tested on fetal cells which rob a child the chance for life. These children were literally sacrificed and continue to be violated in tests today. I cannot support vaccinations that goes against my beliefs. To do so, would create a dilemma of conscience and create moral injury which would make me ineffective in my role as a chaplain since I would be violating my principles by participating in a rite, ritual, or ceremony against my beliefs.

11. When I was interviewed by the Chief of Chaplains, Steven Schaick, before entering the Air Force, he said, “If the military is designed to win wars and break things, the chaplain’s purpose is to help airmen not lose themselves.” I was inspired when he shared this with me, because I do believe that chaplains have an important role to support religious liberty and advise leadership in matters of religion, morals, and ethics. I never imagined

that I would be in a personal war for my career with the military forcing me to choose between my faith in God and an immoral injection. This is a loss for airmen and our nation.

12. 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.

July 11, 2022

A handwritten signature in black ink, appearing to read "Robert J Nelson", written over a horizontal line.

Robert J Nelson



**MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.”**

It has three subsections: **“(a) PROTECTION OF RIGHTS OF CONSCIENCE”;**  
**“(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE,**  
**MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”;** and **“(c) REGULATIONS.”**

4. I was commissioned to the rank of First Lieutenant on 13 November 2007 and attended Chaplain Basic Officer Leadership Course from June to September 2008. Subsequently, I attended Chaplain Captain’s Career Course (C4) from January to June 2016. C4 is designed to prepare senior chaplain captain’s in developing as a supervisory chaplain. During my C4 training I never once heard of nor received any instruction on Section 533 and the protection of chaplain’s decisions related to conscience. In my 14 years of service as an active-duty Army Chaplain, I have yet to receive specific instruction on Section 533 and the protection it affords chaplains.

5. The FY 2018 NDAA, Complaint Exhibit 4, states the following: **“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 FY 2018 NDAA further states:

**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.

6. I have never participated in any discussion, instructional training course, informal gatherings of chaplains about developing and executing an intentional strategy for a comprehensive training program on religious liberty issues for military leadership and commanders. I have had the opportunity to facilitate training on Religious Accommodation, but the training was void of any mention of Section 533 and the significance of FY 2018 NDAA requirement.

7. The symbolism of vaccination; the religious significance of a chaplain's participation in small but important public activities or demonstrations. I have wrestled intently in prayer concerning the mandated vaccines, and my conscience is clear. The Holy Spirit has deeply impressed on 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. If I sin against God and violate my conscience, I would lose my integrity and diminish my capacity as a US Army Chaplain.

8. Violating my conscience and compromising my integrity would negatively impact my being and service as a US Army Chaplain. As a chaplain, I am called to advise the command on religion, morals, ethics, and morale (AR 165-1). In essence, violating my conscience would compromise my faith, morals, ethics and detrimentally impact my well-being.

Consequently, I would have no moral or ethical footing to serve as a US Army Chaplain effectively.

9. 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.

July 10, 2022

A handwritten signature in black ink, appearing to read 'RHP', written over a horizontal line.

Rick Hyok Pak

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :  
 :  
 *Plaintiffs,* :  
 :  
 v. :  
 :  
 LLOYD AUSTIN, III, et al., :  
 :  
 *Defendants.* :  
 \_\_\_\_\_ :

Case No.: 8:22-CV-1149

SUPPLEMENTAL 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 supplemental declaration to support my challenge to the Department of Defense and Department of the Army mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.



3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.”

It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. I was appointed as an Army Reserve Chaplain on January 12, 2015. I went to Chaplain Basic Officer Leadership Course (CHBOLC) at Fort Jackson, South Carolina on May 17, 2015. I kept copious notes of the instruction I received at CHBOLC, and a careful review of those notes confirms that neither the subjects nor content of Section 533 were ever addressed by name specifically or by substance and context.

I attended my Chaplain Captains Career Course at Fort Jackson in August of 2019. There was one block of instruction on “Free Exercise: Advise the Command on Religious Accommodation” in which the Religious Freedom Restoration Act (RFRA) and DODI 1300.17 were referenced. The first time I heard of RFRA was at my endorser’s chaplaincy conference (civilian). I was an Army Reserve Chaplain for four and a half years before I ever heard RFRA mentioned in a military setting (whether by command leadership or at a military school). I have never heard about Section 533 at subsequent Chaplain Corps training or education, *e.g.*, Advanced Course and/or professional development seminars or courses, or from any senior chaplain or

peer prior to this litigation.

I have received annual “Battle Focused Training” while serving as an Army Reserve Chaplain and have never heard Section 533 discussed in any of the sessions. Neither have I received online instruction which required me to review anything pertaining to Section 533.

5. The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.

6. I have never heard any discussion in any forum whether in a unit, instructional or training course, or informal gatherings of chaplains about “an intentional strategy for developing and implementing a comprehensive training program on religious liberty issues for military leadership and commanders.”

Neither am I aware of any coordination between the Department of Defense and the respective Chiefs of Chaplains about developing curriculum or plans to implement “training concerning religious liberty in accordance with the law.”

7. The symbolism of vaccination; the religious significance of a chaplain’s participation in small but important public activities or demonstrations. For me, taking the COVID-19 vaccination is an admission that my conscience is controlled by something other than my faith. It is also a sign of confidence and trust in the safety and efficiency of the COVID-19 vaccine when, in fact, it is increasingly evident that the vaccine is neither safe nor effective.

Section 533(b) specifically addresses (1) any “*rite, ritual, or ceremony* that is contrary to the conscience, moral principles, or religious beliefs of the chaplain; and (2) the chaplain’s role as a religious leader or pastor in the unit, organization, or community.” Taking the COVID-19 vaccine is contrary to my conscience and religious beliefs; Section 533 provides a legal and ethical basis for my refusal to comply with this mandate.

8. 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.

July 9, 2022

**CH Randy Gene Pogue (MAJ)**

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :

*Plaintiffs,* :

v. :

Case No.: 8:22-CV-1149

LLOYD AUSTIN, III, et al., :

*Defendants.* :

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**SUPPLEMENTAL DECLARATION OF CH (CPT) PARKER SCHNETZ**

Pursuant to 28 U.S.C. §1746, I, Parker 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 supplemental declaration to support my challenge to the Department of Defense and Department of Army mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.

3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.”

It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. I attended the Chaplain Basic Officer Leadership Course (CHBOLC) in 2016 (Class 16-003). To the best of my knowledge, Section 533 was not addressed by any instructor or included in any instruction.

5. I had never heard of Section 533 or the chaplain’s “protected right of conscience” until I become a plaintiff in this litigation. I’ve never received Army or Chaplain Corps training on the topic of “conscience” or heard it discussed by any senior chaplain. In my mind, “Conscience” is not a word in the Chaplain Corps’ vocabulary.

6. While discussing Religious Accommodations with my command chaplain in Fall 2021, he routinely stated that it didn’t matter whether I or anyone else had an ethical objection to this vaccine requirement. He warned me that whatever ethical opinion I had needed to be kept to myself. He said that my responsibility as a chaplain was to mirror the Army’s position and encourage others to fall in line with it. He stated that if Soldiers were coming to me with concerns, I needed to help them get over them so that they could receive this vaccine. In short, not only was I commanded to have no conscience, but I was commanded to eliminate the

conscience of others. These points were also made by my battalion commander in what seemed by me to be a coordinated attack on my right of conscience.

7. The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.

8. I have participated in religious liberty training that was the result of the FY 2018 NDAA.

9. My conscience, guided by my faith, will not allow me to receive this “vaccine.” I cannot offer a public sacrifice to what I believe to be false. This vaccine is not safe or effective. I will not receive it in bad faith, knowing that it cannot do me any good. I have natural immunity to the Covid-19 virus. If I received this vaccine, I would be acting against my conscience and abdicating my responsibility as a chaplain and ethical leader. It would be clear to every

Soldier and community member that my conscience was not captive to my faith, but to the state. In the Old Testament, the Prophet Daniel was pressured to publicly bow to the secular religion. I cannot help but feel that I am being tested in a similar way.

10. 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.

July 11, 2022

  
Parker John Schnetz

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :

*Plaintiffs,* :

v. :

Case No.: 8:22-CV-1149

LLOYD AUSTIN, III, et al., :

*Defendants.* :

\_\_\_\_\_ :

SUPPLEMENTAL DECLARATION OF LT JONATHAN SHOUR, CHC,  
USN

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

1. My name is Jonathan 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 supplemental declaration to support my challenge to the Department of Defense and Department of Navy mandates requiring that I be vaccinated against COVID-19 or SARS-CoV-2 and its variants and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.



3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.”

It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. I was appointed as a chaplain candidate in 2014 and later as a chaplain in 2016 for the United States Air Force before being appointed as a chaplain in the United States Navy. I went first to the USAF Chaplain Corps College’s Chaplain Candidate Course (CCC) in 2014, later the Basic Chaplain Course (BCC) in 2016, and most recently the USN Naval Chaplain School’s Basic Leadership Course (BLC) in 2021.

5. In regards to the USAF Chaplain Corps College teaching, from memory, I cannot remember the subject of Section 533 or the NDAA protection for chaplains being mentioned at all. If they were, it was not at all comprehensively covered. I reviewed the binder of course materials that I still have on my library shelf and digital files that I keep on my computer in order to see if these topics were covered. For both, I found no reference of Section 533, RFRA, or NDAA language being covered in the official course materials taught by the USAF Chaplain Corps College. I remember vague and standard discussion on the subject of Religious Accommodation. However, any coverage seems very lacking now in hindsight. To my recollection, I did not learn about Constitutional protections specifically applied to the religious issues of today, nor did I learn about Supreme Court decisions that

impact the application of the Constitutionally-protected free exercise of religion.

6. Even more recently, at the USN Naval Chaplaincy School's Basic Leadership course, I can attest to many failings on the subject of Religious Accommodation, the Religious Freedom Restoration Act, Section 533, and the NDAA protection for chaplains. I attend the NCS BLC from September to November 2021. There was no comprehensive training on Section 533 or the Religious Freedom Restoration Act as directed by law. In searching back through the course material, I could not find any reference to Section 533 or to RFRA in the materials that are taught at the Navy chaplain school.

7. In addition, often during training the instructors covering the religious accommodation process would leave out information or misstate facts. As someone going through the process themselves at the time, I was very familiar with the process and noticed these gaps. It was often enough that I began to annotate some of these failings in training to try and provide feedback to the course. However, in the grand context of the training, I began to see a greater hostility to certain faith backgrounds and belief systems. This was noted in some of the training exercise where some chaplain's beliefs, often more conservative or traditional, were discouraged. In one training exercise at the Naval Chaplaincy School, the instructors walked students through a few historical 'gaffes' of chaplains as they adhered to their religious identity and their religious beliefs albeit imperfectly at times. In each instance, the usually conservative chaplain was ridiculed for their beliefs and students were encouraged to work through how they would do things better. In one instance it was belittled that a chaplain would not be able to plan and

co-lead an event with a chaplain of a diametrically opposed background. This is a protected belief of some religious organizations. In response to the case study, one student suggested reassigning the chaplain to 'solve' the problem. This would be a violation of Section 533 yet the instructor staff did not correct the student and allowed it to seem as if a chaplain could or should be reassigned based on their religious beliefs. During this training, there were many instances where chaplains who were willing to stick to their values and beliefs as outlined by their faith or religious organization were consistently devalued to the class and by the class.

8. The FY 2018 NDAA, Complaint Exhibit 4, states the following: "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 FY 2018 NDAA further states:

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.

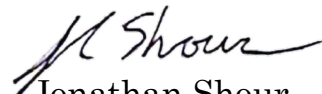
As stated above, I have no recollection of receiving any training as a chaplain accessing to the chaplain corps of two service branches. No Computer-Based

Training can meet a requirement for an ‘intentional’ implementation of a ‘comprehensive training program on religious liberty’. If chaplains coming into the military service between 2014 and 2016 (possibly beyond) did not receive training on the US Law as required by congress, then it cannot be said that there was satisfactory training. Some CBT that people click through mindlessly is not intentional, unless your intention is for the training to be ignored. The law specifically says that chaplains should be recipients of training, and if not in the chaplain corps training, then it seems anything but intentional. It seems likely that commanders and JAG are also not being trained as the law has dictated.

9. Over the years I have seen an often subtle, but growingly overt hostility to certain religious beliefs in the military. The last two years it seems to this has grown into a full blown take down of any religious belief that goes against the ‘accepted’ covid. I just cannot help but comment on an analogy has become very prevalent: that of a connection between covid/the covid vaccination and a public religion. I have heard references to those who believe in the covid pandemic as ‘branch covidians’, as Dr. Fauci (the prolific spreader of covid misinformation) as ‘Lord Fauci, the High Priest of covid’, as the covid shot as a ‘rite’ of the new religion, etc. Many in government or authority may not define what has been happening as a new denomination of scientism, but what has happened is clearly such as defined by current

definitions. The issue with this is that one must currently 'bend a knee' to the scientism being put forward by the government and the main-stream media. Someone must follow along with the religion of the times in order to be a welcome part of the government or any public office. The government is strictly establishing a religious test for government or public office: submit to 'branch covidianism' or else... This establishment of a state religion and a religious test are expressly prohibited by the Constitution and constitutional law.

10. 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. Executed on 11 July 22.

  
Jonathan Shour,  
Chaplain

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :

*Plaintiffs,* :

v. :

Case No.: 8:22-CV-1149

LLOYD AUSTIN, III, et al., :

*Defendants.* :

\_\_\_\_\_ :

**SUPPLEMENTAL DECLARATION OF CHAPLAIN (MAJ) 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 supplemental declaration to support my challenge to the Department of Defense and Department of the Army mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal

knowledge.

3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.”

It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. I completed the Army Chaplain Officer Basic Course in August 2003. I commissioned as a chaplain in the Army Reserves in late 2006 and began serving an Army Reserve Combat Support Hospital (CSH) in early 2007 and deployed with the (CSH) 2008-2009. Later, I completed the Army’s hybrid Chaplain Captain’s Career Course in June 2010. I entered service as a chaplain in the Regular Army in 2013 and trained and certified in Chaplain Proficiency and Reinforcement Training (CPRT) in 2013-2014, but I do not recollect receiving any training nor did I ever experience any related training with the mention of Section 533 during CPRT or in any subsequent Chaplain lead trainings in years that followed. I have not received any training related to the support of the conscience of the chaplain nor the conscience of the Soldier other than how to facilitate someone seeking a conscientious objection.

5. As I am now aware that the FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018

NDAAs further states:

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.

6. I not received instruction of any kind from any leadership within the Chaplain CORP or outside of the Chaplain CORP related to the above.

However, as a Chaplain in the rank of Major, I now anticipate and plan to offer training regarding Section 533 to the Chaplains within my sphere of influence through CPRT that I will conduct.

7. My own right of conscience as a Chaplain as well as one who is required by Army doctrine to nurture desirous Service Members in matters of conscience have witnessed Service Members experience severe duress of conscience with their impending expectation of having to take the experimental vaccination due to various particular reasons of conscience or else lose their livelihood and future service benefits such as retirement if they



don't bend the knee to the mandate. As not only a chaplain, but a chaplain trained with a graduate degree in Marriage and Family Therapy as well as other certifications such as training and certification in trauma, I have witnessed the severe impact of moral injury upon Service Members who have chosen to submit to take the shot in order to continue to support themselves or their families. I have also witnessed severe turmoil and anguish of conscience in having violated their conscience after having taken the shot. One such Soldier that spoke to me by phone identified himself as an atheist, but had anguish of conscience at being forced to take the shot. Witnessing these reported realities from my clients having been coerced into taking the shot against their conscience and will, as I have witnessed, causes me severe anguish in my own conscience as a human being and as a chaplain and to see that it has taken place by the mandate of the United States Federal Government under a Constitution that each of us has taken oath to defend.

8. 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.

July 11, 2022

JEREMIAH DOUGLAS SNYDER

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :

*Plaintiffs,* :

v. :

Case No.: 8:22-CV-1149

LLOYD AUSTIN, III, et al., :

*Defendants.* :

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SUPPLEMENTAL 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 supplemental declaration to support my challenge to the Department of Defense and Department of the United States Air Force mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.

3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.” It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. I attended the Air Force Basic Chaplain Course in the Spring of 2021. I do not recall the subject or content of Section 533 being specifically discussed. My recollection of any serious discussion surrounding matters of conscience is that Chaplains were actively encouraged to push themselves to the very brink of the violation of what their conscience demanded. In fact, much of the training was interpreted by me to be nothing more than instruction on how to justify the deliberate violation of one’s conscience by hedging on every issue and playing a game of semantics.

5. I do not recall hearing about Section 533 after graduation from the Basic Chaplain Course in any other in person training scenario. I also do not recall Section 533 being specifically mentioned in any online training conducted by the Air Force. If Section 533 was mentioned, I do not recall it being discussed in any substantial manner. I do not recall any training that specifically addressed the importance of conscience, or which included some

scenarios as to what is/is not a valid exercise of conscience and one which is/is not formed by faith or logic. Further, I do not recall hearing about Section 533 in conversation between or among any senior chaplains or my peers. The first time that I specifically recall hearing Section 533 discussed was in consultation with the attorneys who are representing me in this case. I have been repeatedly told by Chaplain Corps personnel that my conscience is inconsequential when it comes to the COVID-19 vaccination mandate. In addition, a leadership meeting was held in August of 2021 at Goodfellow AFB, TX to address the anticipated vaccination mandate. That meeting was hosted by the 17th TRW/HC. Leaders in the meeting specifically discussed strategies to dissuade members from filing religious accommodation requests and strategies to have those requests denied.

6. The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.

7. I do not recall having ever heard any discussion in any forum whether in a unit, instructional or training course, or informal gatherings of chaplains about “an intentional strategy for developing and implementing a comprehensive training program on religious liberty issues for military leadership and commanders.”

8. The symbolism of vaccination; the religious significance of a chaplain’s participation in small but important public activities or demonstrations. I believe that receiving this vaccination would be the equivalent of “bending my knee to a foreign god” or a public renunciation of my belief that God directs my way and path through my conscience. I have faith in God to protect me from the COVID-19 virus and to heal me if I become ill. I do not have faith in the currently available COVID-19 vaccinations; to partake of them would be the equivalent of me putting my trust in an idol which is utterly impotent compared to the power of my God. In other words, I would consider receiving any of the currently available COVID-19 vaccinations as a religious rite or ritual being undertaken in allegiance to a false god. As a minister of the Gospel, I am to be an example to those whom God has placed

in my life (1 Peter 5:3). This is something that I cannot do if I am not willing to follow my own advice and live entirely by faith in God's word. I cannot advise others in matters of spirituality, religion, morality, and ethics if I am not willing to practice what I preach. Taking this vaccination would jeopardize my integrity, character, and faith. To not obey God's word and my conscience would disqualify me from my roles as an Air Force Chaplain, Pastor, and hospital Chaplain. I would become a stumbling block to many. 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.

9. 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.

July 12, 2022

A handwritten signature in black ink, appearing to read 'Justin Wine', with a long horizontal flourish extending to the left.

JUSTIN RONALD WINE

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :

*Plaintiffs,* :

v. :

Case No.: 8:22-CV-1149

LLOYD AUSTIN, III, et al., :

*Defendants.* :

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**SUPPLEMENTAL DECLARATION OF CH (MAJ) Thomas J Withers**

Pursuant to 28 U.S.C. §1746, I, Tom Withers declare as follows:

1. My name is Thomas John Schauer 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 supplemental declaration to support my challenge to the Department of Defense and Department of the Army mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal knowledge.

3. Section 533 is entitled, “PROTECTION OF RIGHTS OF CONSCIENCE OF

MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.”

It has three subsections: “(a) PROTECTION OF RIGHTS OF CONSCIENCE”; “(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS”; and “(c) REGULATIONS.”

4. In 2013, I attended and successfully graduated from Chaplain Officer’s Basic Leadership Course (CH-BOLC) in December 2013. The course did not contain or mention any of the subjects or content of Section 533. In May 2018, I attended and successfully graduated from Chaplains Captain’s Career Course. That course also did not contain or mention any of the subjects or content of Section 533.

5. The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.



6. I have never heard any discussion in any forum whether in a unit, instructional or training course, or informal gatherings of chaplains about “an intentional strategy for developing and implementing a comprehensive training program on religious liberty issues for military leadership and commanders.” I am not at all aware of any coordination between the Department of Defense and the respective Chiefs of Chaplains about developing curriculum or plans to implement “training concerning religious liberty in accordance with the law.”

7. For me to submit to a lying public health policy, which has wholesale depended upon deception and fear to accomplish its means, would be an abomination. It would be so because I would have to irreversibly surrender my life, my mind and body and my conscience to the enemy, satan, who was already defeated by my Lord and Savior, Jesus Christ at the Cross. My life and body have been ransomed and purchased back from satan by Jesus Christ through His self-sacrifice on the Cross and because of that fact I cannot yield to this false ‘vaccine’. In fact, because He has purchased me with His blood, paid the full price for me in His blood, my life is not mine to yield back to the evil cabal who is demanding I sell myself to the State (DoD/Army). The act of receiving this falsely-called ‘vaccination’ (and because I could never become un-vaccinated from any vaccine) would be a denial of the Lord and the equivalent of forfeiting my soul. The Lord Jesus proved at

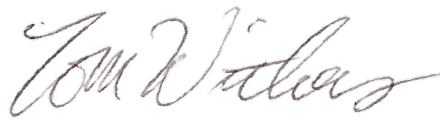
the Cross He loves me by giving Himself up for me to pay the full penalty for all of my sins. Therefore, out of a thankful heart, I owe Him the highest honor, respect and love. Receiving the alleged COVID19 'vaccine' would be a repudiation of His ownership of me, His publicly displayed love for me on the Cross, and would amount to a high handed type of treason against God. Despite the fact the vast majority haven't taken these thoughts seriously enough to cause them to stop from surrendering to the 'vaccine' does not change the seriousness of this new religious rite of taking the alleged COVID19 'vaccine'. As a History major (Bachelor's degree), I know throughout history the vast overarching majority have usually (initially) surrendered to ungodly tyranny in order to save their skin or to ensure they don't lose perceived benefits of the 'State'. After 18 months since the 'vaccine' roll-out, it turns out the 'vaccine' is very dangerous. Excess all cause mortality has skyrocketed since the 2021 roll-out of the false COVID19 'vaccines'. Indeed the supposed 'cure' is far worse than the illness, which I had and overcame and against which I have proven antibodies! So, while I had conscience issues, it turns out the public health medical calamity caused by the 'vaccines' support my conscience detaining me from going forward with receiving any alleged COVID19 vaccines! And since I started studying the alleged COVID19 vaccines I've learned that ALL vaccines are tainted by aborted fetus cell lines! This is disgusting and I am sickened that I have been

given any vaccines at all during my entire lifetime. I have lost any trust I previously had in the Western medical profession and will never ever again take another 'vaccine'! This supports one of my claims in my religious exemption request about sorcery/witchcraft in Revelation 18:23 and the proximity of the Greek word used in the original text, transliterated in English as 'pharmakeia', to the pharmaceutical industry. I commented on the interesting proximity of that word to our modern pharmaceutical industry. Since the book of Revelation was written in the past about future events, it is entirely fitting to see the modern pharmaceutical industry as the fulfillment of that part of that verse. This belief also applies to any so-called non-fetal stem cell derived COVID19 'vaccines' the pharmaceutical is trying to roll-out recently. Besides not allowing something derived or tested using aborted fetus stem cells to touch my body, I won't allow anything that hasn't been tested for a minimum of 8-12 years to touch my body! I won't allow something that has been developed using insect (e.g. moth) or non-human/animal cells to touch my body. From the beginning of Secretary Austin's wicked and evil 'vaccine' mandate, I have stood my ground as a Chaplain and maintained my refusal to take the evil shot. In fact, my initial response was on that same day to submit to my unit (and Commander) a Transfer to Individual Ready Reserve (IRR) rather than 'stay in' the military. My Transfer to IRR request memo stated this and that I would be willing to come back out of the IRR

once the mandate was canceled or lifted. I went so far in that process that by the end of that same week I turned in all of my 'TA-50' (government-issued equipment and clothing) and was only awaiting my Commander's signature on the memo to release me. THE ONLY REASON I AM STILL SERVING IN THE MILITARY TODAY (and indirectly as a result a party to this lawsuit) is because my immediate Commander urged me to stay and promised me he would do what he could to help me through the difficulty this mandate had and would cause me. Therefore, it should be noted I am willing to throw away a perfectly good career (up until that point) and to leave behind a ministry I felt God called me to in order to maintain my allegiance to The Lord Jesus and only to Him. (The ministry call by Jesus to serve anywhere would never abrogate His other commands to maintain allegiance to Him!) I haven't yet discussed that I recently have come to believe the alleged COVID19 'vaccine' is the precursor, or foundation platform, for the still future mark of the beast. But I won't go into that more here.

8. 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.

July 9, 2022



**CH (MAJ) Thomas J.S. Withers**

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ISRAEL ALVARADO, et al., :

*Plaintiffs,* :

v. :

LLOYD AUSTIN, III, et al., :

*Defendants.* :

Case No.: 8:22-CV-1149

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SUPPLEMENTAL DECLARATION OF CHAPLAIN (MAJ) JERRY B. YOUNG

Pursuant to 28 U.S.C. §1746, I, Chaplain (MAJ) Jerry B. Young declare as follows:

1. My name is Chaplain (MAJ) Jerry B. Young. 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 supplemental declaration to support my challenge to the Department of Defense and Department of Army mandates requiring that I be vaccinated against COVID-19 and to specifically address the issue of my knowledge of Section 533 of the fiscal year (“FY”) 2013 National Defense Authorization Act (“NDAA”) as amended by the FY 2014 NDAA. All statements made in this Declaration are true to the best of my own personal

knowledge.

3. Section 533 is entitled, "PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS."

It has three subsections: "(a) PROTECTION OF RIGHTS OF CONSCIENCE"; "(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS"; and "(c) REGULATIONS."

4. I have served as an active duty Army Chaplain since 2008 and I had never even heard of Section 533 until my research for this present litigation. I have received no training on Section 533 or any of its component parts. Since working as an instructor at the United States Army – Institute of Religious Leadership (USA-IRL) since January 2020, I have no recollection of Section 533 ever being taught to students or to leadership. Since 2020, I have received training on multiple subjects, such as extremism, DEI (diversity, equity and inclusion), LGTBQIA+, and active shooter training, but nothing on the free exercise of religion or matters related to the importance of conscience. The only instance I can recall where matters of conscience was raised was in a question during LGTBQIA+ training. A participant asked about how to respond to an instance where the urinalysis observer is uncomfortable observing a person of the opposite sex who identifies as transgendered. The instructor responded that the person who is uncomfortable should speak with command in advance and each incident will be handled with dignity and respect on a case-by-case basis.

5. In an Army chaplain-wide email, the Office of the Chief of Chaplains framed

the chaplain duty and calling to uphold the “free exercise of religion” as the *diligence* by which a chaplain conducts exhaustive interviews for COVAX religious accommodation requests (RARs). On numerous occasions, the Chief of Chaplains addressed the Chaplain Basic Officer Leadership Course students with the basic message that they need to fall in line with unbound pluralism in accordance with the agreement their endorsers signed. To reiterate, I have never heard the leadership instruct on the importance of conscience; the current emphasis from leadership is on full compliance for smooth sailing.

6. The FY 2018 NDAA, Complaint Exhibit 4, states the following: “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 FY 2018 NDAA further states:

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.

7. I have been at USA-IRL since 2020, the heart and home of the Army Chaplaincy, and I have no awareness of strategies from the

Strategic Initiatives Group (SIG) or other teams to develop and implement comprehensive training programs on religious liberty issues for military leadership and commanders. I am not aware of any coordination from the Office of the Chief of Chaplains (OCCH) with the Department of Defense (DOD) with plans to develop curriculum or to implement training concerning religious liberty in accordance with the law. I recall the white paper written by the FORSCOM Command Chaplain, CH (COL) Rajmund Kopec, entitled, "Ethical Considerations Regarding the COVID-19 Vaccines" which was a pro-vaccine apologetic; this paper was widely disseminated prior to the chaplain rodeos in order to mitigate against potential theological arguments. I am aware that CH (COL) Kopec, along with JAG officers, are preparing journal articles on the free exercise of religion and spirituality in the Army later this year in the Chaplain Corps Journal.


8. The system has pushed COVAX as the *only* Savior for the COVID pandemic. Countless times, I was instructed to get the vaccine as the *only* way to protect others and to be protected myself from death or serious illness. Repeatedly, the system pushed COVAX therapy like a religious sacrament and moral imperative. The system created two classes of people on my base, the clean vaccinated and the unclean unvaccinated with clear segregation (base pool, meeting rooms, etc.). Though it was acknowledged that the COVAX violated my conscience and my faith, my natural immunity has been



completely disregarded. The vaccine has trumped scientific reasoning; it is untouchable, even though nearly all the vaccinated in my organization have contracted and spread COVID post-vaccination. Hence, the vaccine has become the absolute rite of passage for remaining in the service with no scientific basis. And yet, my God has protected me and provided me with amazing natural immunity. I cannot violate my faith and my conscience by bending my knee to a false god. My conscience cannot be manipulated and controlled by anyone or anything other than God alone. I cannot place my trust in COVAX which is neither safe, nor effective, nor permissible for me. My conscience and sincere faith is protected under law by Section 533(b) from this "*rite, ritual, or ceremony* that is contrary to the conscience, moral principles, or religious beliefs of the chaplain; and (2) the chaplain's role as a religious leader or pastor in the unit, organization, or community."

9. 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.

July 11, 2022

  
CH (MAJ) JERRY B. YOUNG