

EXHIBIT E

ALVARADO, et al., v. AUSTIN, et al.

Declaration of

Army Chaplain (Captain) Jordan Dersch

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF CPT (CH) JORDAN ATKINSON DERSCH

Pursuant to 28 U.S.C. §1746, I, **JORDAN ATKINSON DERSCH** declare as follows:

1. My name is **JORDAN ATKINSON DERSCH**. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of the Army mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside at Seaside, Monterey County, California. My home of record and where I am domiciled is Prattville, Autauga County, AL.
4. I am an Active-Duty chaplain in the United States Army serving at the rank of Captain. I am currently assigned to the 229th Military Intelligence Battalion, DLIFLC, 431 Rifle Range Road, BLDG 616, Taylor Hall, Presidio of Monterey, CA 93955.
5. I began my military service with my commission on 08 MAY 2015 when I became a Chaplain Candidate in the Army Reserve and assigned my first reserve duty station on 22 December 2015. Subsequently, I became a Chaplain in the Reserve on 21 November 2018. Currently, I am an Active Duty Chaplain as of 2 May 2021.
6. My promotions were as follows: 2LT – 08 May 2015; 1LT – 27 May 2017; CPT 03 OCT 2019. I have approximately 7 years of service as of June 1, 2022.
7. I have received the following Army Achievement Medal, National Defense Service Ribbon, Global War on Terrorism, Army Service Ribbon, German Armed Forces Proficiency Badge (Silver) during my military career.

8. I submitted my Religious Accommodation Request at Exhibit 1 on 09 SEPTEMBER 2021 asking to be excused from the Army's COVID-19 vaccine mandate based on my sincerely held religious beliefs based firmly on the Christian Scriptures, the Bible. A summary of those reasons follows: the use of cells, cellular debris, protein, and DNA from willfully aborted human children as opposed to the clear teaching of the sanctity of human life in Scripture, meaning I would be forced to participate in a ritual or rite of a religion that is contrary to my own as human souls are sacrificed for social and religious reasons; the vaccines being a precursor to the mark of Satan and as such a ritual opposed to my faith since it would set me against God rather than within his revealed will for my life; currently, taking the vaccine would be against my conscience, apart my personal faith convictions, and therefore sin against God. Additionally, I believe I contracted COVID in early 2019 before coming on active duty. Further, I have diagnosed brady cardia which may be exacerbated by the COVID shot mandate and I do not wish to "put the Lord my God to the test" (Deut 6:16).

10. My RAR was denied on 11 MARCH 2022, Exhibit 2. I submitted my RA appeal, Exhibit 3, on 21 MARCH 2022, which is "still pending." I object to the denial of my RA because I believe that The Surgeon General did not fully consider my objections to vaccinations, that his reasons for denying my request were unfounded, that he did not appropriately weigh my rights to free religious practice, that this decision is inconsistent with Army Equal opportunity and readiness policies, and that he did not consider a less restrictive means to satisfy the needs of the Army as required by law. Further, my immediate commander recommended approval of my initial RA, although my Battalion Commander and up did not to my knowledge. Furthermore, to date, I have not seen a fully FDA licensed and approved vaccine at my current duty station and none exist to my knowledge.

11. I am presently opposed to any vaccine use and have been since May of 2017, but especially that of the COVID vaccines as I have serious objections to a rapidly developed “experimental use only” vaccine without long-term studies that changes one’s DNA and whose effects have been suppressed. In addition to my religious convictions, I object to the COVID-19 vaccination because the COVID-19 vaccines are not legitimate vaccines as that term has been historically and medically defined and presented to the public.

12. I have been denied the use of facilities like gymnasiums, dining facilities, and certain other areas. I have been denied the presumption of natural immunity established by AR 40-562.

13. The following retaliatory, career damaging, negative, punitive, or administrative actions have been taken against me for refusing the alleged COVID vaccine and requesting a religious accommodation request: I have felt a substantial amount of coercion and retaliation from the command, and the medical staff and Battalion PA in behavior, treatment, and ill-favored glares. The Battalion PA showed an offensive photo of Satan or Molech, along with the 7 tenants of Satanism and questioned the group of unvaccinated Soldiers during a mandatory “reeducation” or “Q&A” seminar the weekend after our refusal. The PowerPoint contained the question: “How many children were sacrificed to Satan for the vaccine?” It also contained the 7 tenants of Satanism (Exhibit 4). This was a failed effort to coerce us. This was highly offensive to me and many others and was a coercive tactic that achieved the opposite result. I had multiple conversations that night with Soldiers on the phone who were appalled and offended. I was required to wear a mask when everyone else was permitted to take theirs off, only recently was the order reversed for all personnel. I have been unable to go TDY to attend Army schools, however, I did do TDY for my ecclesiastical endorser’s conference. Since that TDY, I have been told by some leaders that I cannot do Army schools. I have had several counseling statements regarding my declination. During our vaccine rodeo, unit leader’s stated things such as: “Do

these people want to have jobs or not?"; "Any religious accommodation request is going to be denied...they won't approve any of them." The day of the vaccine rodeo, after counseling a distressed Soldier in a confidential conversation, the Soldier decided not to receive the vaccine and declined it. Subsequently, my command nearly launched a full-fledged investigation into my confidential conversation simply because the Soldier was following his conscience. As we walked into the vaccine area, on the wall they had placed a photo of some of the Army values: like "loyalty" or "duty" to coerce us to do as they ordered. I have been told by senior leaders that as soon as I get the shot, I can go to trainings and do various TDY assignments to train others as well (such as Airborne, Air Assault, etc). Currently, my military record indicates that my next unit of assignment is dependent on pending COVID shot, even though I have a temporary exemption due to my religious accommodation request (RAR). My supervisory Chaplain talked to me multiple times a week, both before and after my declination, and denial, and appeal attempting to coerce me to get the vaccine and bringing into question my doctrinal and theological beliefs. He tried very hard to convince me to get the vaccine against my conscience and judgement. He said, "You sound entitled" and "you think of yourself as better than every Private because you're an officer." Further, he did not advocate for the approval of my letter, and I was told by another O4 Chaplain that he, my supervisor, recommended to the first O6 to recommend denial of all the religious accommodation requests, which to my knowledge is exactly what happened at my unit.

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 5th, 2022



/S/ **Jordan Dersch**