

EXHIBIT F

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

Declaration of

AF Chaplain (MAJ) Clayton Diltz

IN THE MATTER OF THE VACCINE MANDATE CHALLENGE

DECLARATION OF MAJOR CLAYTON B. DILTZ

Pursuant to 28 U.S.C. §1746, I, Clayton B. Diltz declare as follows:

1. My name is Clayton Bradley Diltz. I am over 18 years of age and have personal knowledge of and am competent to testify on the matters stated herein.
2. I make this declaration in support of my challenge to the Department of Defense and Department of the Air Force mandates requiring that I be vaccinated against COVID-19. All statements made in this Declaration are true to the best of my own personal knowledge.
3. I currently reside at Visalia, Tulare County, California. My home of record and where I am domiciled is Visalia, Tulare County, California.
4. I am a National Guard chaplain in the United States Air Force serving at the rank of Major. I am currently assigned to the 144 FW, Fresno ANG, 5323 E. McKinley Ave., Fresno, CA 93727.
5. I began my military service on 8 May 1996 (5/1996-2/1999), enlisting in the active-duty Army as an E-4 (Specialist) and receiving, at my request, a direct assignment to Germany (in hope of learning German for post-graduate studies in theology). My MOS was 14S, Avenger Crew Member. However, since I possessed a Bachelor of Science degree, on my first day in-garrison, I was reassigned to work in the Training Room for the commander and First Sergeant. Shortly thereafter I was voluntold to compete to become the Soldier of the Quarter which culminated in being selected as the Soldier of the Year for the European Theatre (see below § 8). During the months of competition, I became a Chaplain Assistant and then the Headquarters Assistant to the battalion commander. (I never received personal or professional training for these subsequent MOSs and military duties.) Although ordered to board for promotion within

my first year of service (and subsequently recommended for promotion), due to regulations (that a soldier must have a minimum time-in-service of 18-months to be eligible to board) and the promotion-freeze in my MOS, I exited the Army at the same rank of Specialist, pay grade E-4. (That personal experience reflects the innocence, ignorance, and all-too-common experience of young, inexperienced Service Members (SM) across the DoD. I competed and boarded because I was so ordered; I did not know if I had a choice to compete nor that the order to board violated Army regulations. Now, in the midst of this biblical, constitutional, and sanctity of self-autonomy “vaccine” mandate violation, I know I have a choice and that, indeed, the mandate violates multiple regulations on multiple levels. As one who holds a doctorate degree, this RAR, APPEAL, and Declaration process has been nothing less than daunting, overwhelming, and confusing; I can only imagine how the calculated, nefarious swells of injustice by the government and military leadership have tsunamied the youngest and most naïve SMs. Considering the only RARs that have been approved are for retiring or separating SMs, the process appears, in the words of Judge Self, as nothing more than “theatre.”) Afterwards I served as an E-4 Chaplain Assistant in the Army Reserves (I think from 3/1999-11/1999) but separated to attend school and work full-time. I commissioned on 2/2013 in the Air National Guard. Regarding my education, I have earned the following: Bachelor of Science, Master of Divinity (*magna cum laude*), Master of Theology (*summa cum laude*), Doctor of Theology (*summa cum laude*), Master of Military Operational Art & Science (ACSC). Additionally, I have completed 4-units of Clinical Pastoral Education and earned the Military Emergency Management Specialist Badge. Moreover, I have served as a hospital, hospice, workplace, and police Chaplain, Pastor, and university professor.

6. My promotions were as follows: 8 May 1996, 9 Feb 2013, 1 Oct 2014, 13 Jul 2019. I have approximately 12 years of service as of July 31, 2022.

7. During my military career, I have had the following deployments to either combat zones or foreign areas: 05/1998-09/1998 Bosnia; 7/2016-9/2016 Germany & Romania; 10/2018 Ukraine; 11/2018 Chico, CA; 4/2019-5/2019 S. Korea & Australia; 3/2020-8/2020 (COVID-19 Mission) Sacramento, Central Valley, Central Coast; CA, 11/2021, Langley, VA; 10/2021-1/2022 (COVID-19 Mission) Fresno, CA.

8. I have received the following during my military career: 1996 Honor Graduate (Basic Training); 1996 Soldier of the Month and Honor Graduate (Advanced Individual Training); 1997 Soldier of the Quarter (1-4 ADA); 1997 Soldier of the Year (1st Armored Division); 1997 Soldier of the Year (V Corps); 1997 Soldier of the Year (USAREUR/7A); 1997 Honoree, Association of the United States Army; 1997 Inductee, the Honorable Order of Saint Barbara; 1997 Presidential Award for Physical Training; 2013 Academic Award (Basic Chaplain Course); 2013 CERFP Chaplain (First Sergeant coin); 2014 CERFP Chaplain (Brig Gen coin); 2014 Outstanding Officer of the Year; 2015 Outstanding CERFP Chaplain (First Sergeant coin); 2015 Master Sergeant Award (JFHQ); 2015 Company Grade Officer of the Quarter; 2016 Airman Fitness coin; 2016 Outstanding Wing Chaplain (Brig Gen coin); 2016 Company Grade Officer of the Quarter; 2019 CA State Senate Certificate of Recognition. Additionally, I have received the Meritorious Service Medal, Army Commendation Medals, Air Force Achievement Medals, National Defense Medal, Armed Forces Expeditionary Medal, Armed Forces Service Medal, NATO Medal, California Achievement Medal.

9. I submitted my RAR, Exhibit 1, on 23 September 2021 asking to be excused from the Air Force's COVID-19 vaccine mandate based on my sincerely held religious beliefs. A summary of those reasons are as follows: the *imago dei* (God's immutable imprint of Himself as the Creator of all life within His specially created vice-regents and image-bearers); conscience and accountability (*suneidēsis*, the moral awareness of God's law written on hearts of humanity, self-

awareness/evaluation, and the ordering of one's value systems and convictions); life and design (the sacredness and sanctity of life that is to be protected from foreign and deleterious efficacy); origins (the experimental drugs originated from aborted fetuses); operations (mRNA et al. nano-technologies alter God's design); outcomes (all vaccines are unavoidably unsafe, particularly these experimental drugs since they lack both short- and long-term safety studies). Since humanity is made in the spiritual image of God, decisions made in the physical existence originate, are grounded in, stem from, and cannot be separated from (because they are accountable to) the spiritual reality of the divine existence. God's image is cast in, immutably permeates, manifests through, and finds expression via the physical body – hence the corporeal command to love God (i.e., “obey Him”) with the whole, undivided, unparsed being (“heart, soul, mind, and strength”). Therefore, biblically, biologically, philosophically, theologically, and lawfully I cannot participate in the inhumane program illegally mandated upon the US Armed Forces. Moreover, for the very reason that necessitates this Declaration, I willfully and intentionally contracted SARS-CoV-2 in Jul 2021; tested positive for antibodies in Sep 2021; and tested positive again Jul 2022 (all of which was documented in my RAR and APPEAL). The purpose was to bolster my case of being combat ready in adherence to AFI 48-110 Appendix C, C-1 Medical Exemption Codes by supplying documented infection from COVID-19 and subsequent immunity validated by a serologic antibody test on 9/2021 & 7/2022. Sadly, natural immunity is not even discussed at any echelon. Natural immunity is simply ignored. God's given design – and the oldest medical practice – for a robust immune system is completely dismissed.

10. My RAR was denied. Although the MFR from Lt Gen Loh lacks a date, his digital signature is dated 7 Jul 2022 (my anniversary). I received notice from my CC on 12 Jul 2022, Exhibit 2. I submitted my RAR APPEAL, Exhibit 3, on 17 Jul 2022, which is “still pending.”

However, as noted in my RAR and APPEAL, I object to the “form response” that did not afford me (or anyone else at our Wing) “individual consideration” (42 U.S. Code 21B; DoDI 1300.17 § 3.2.). Rather, the rubber-stamp denial addressed “readiness” – not my sincerely held beliefs or religious convictions. As Judge Self noted, there is no difference in the readiness of an Airman who received an approved medical exemption and the Airman who was disapproved based on their sincerely held beliefs since both are “unvaccinated.” Moreover, I emphasized the deleterious side-effects of the experimental drugs and the damage to the cardiovascular, pulmonary, neurological, reproductive, and immune systems (including death) and the impotence of the “vaccines” to prevent those who have received them from contracting, transmitting, and dying from SARS-CoV-2. The DoD does not have scientific support that I, who possess COVID-19 antibodies, am less combat ready than a “vaccinated” SM. To the contrary, science supports that I, as one who naturally contracted and recovered from COVID-19 (as God intended), am in a better state of combat readiness than a “vaccinated” person (for example, the Commander-in-Chief [CINC] President Joseph Biden has contracted COVID-19 twice) who may experience an unexpected, debilitating side-effect at any moment, including death.

11. I object to the experimental drugs – regardless of FDA approval – being promoted as legitimate “vaccines” since the historical medical definition of a vaccine has been changed to propagate a particular agenda and narrative in the absence of safety and efficacy studies. The “COVID vaccines” do not protect against contraction nor prevent transmission; rather they artificially “treat” the body via inducing a spike protein. Given the option, I never chose any vaccine for myself prior to military service. It was only during the “COVID-19 pandemic” that I discovered, and was informed that exemptions (medical and religious) were available. Previously, I submitted myself to multiple military jabs out of ignorance because I wanted to serve, and because, unlike the COVID-19 shots, those vaccines carried the disease itself.

12. Due to the erosion of trust in all the halls of government – to include the FDA, CDC, DoD, etc. – I will not take Comirnaty or any mandated drug fallaciously propagated.

13. I work for the California Department of Veterans Affairs as a Chaplain at the Veterans Home of California, Fresno “serving California’s Veterans and their families” where we “provide the State’s aged and disabled veterans with rehabilitative, residential, and medical care and services in a home-like environment.” I possess an approved religious exemption to the “COVID-19 vaccines” from the California Department of Veterans Affairs. Since recovering from COVID-19 in July 2021, I have not had a COVID-related (nor any other) sick-day.

14. The leadership at the 144 FW has demonstrated support by approving all of the submitted RAR packages. In fact, for the first time in my AF career, I was offered a Temp-AGR position. That position was specifically for the COVID mission to conduct the RAR Chaplain interviews and to work with the resolution team. As far as I know, no Airman at the 144 FW has been given a letter of counseling for refusing to receive the “vaccines.” However, many, if not all SMs seeking a RAR, have experienced one or more of the following: repeated pressure, demeaned publicly and privately, ostracizations, exclusions, pejorative comments, hostile expressions (e.g., facial expressions, grunts, comments, laughter), made to feel bad for their choice, told they were not part of the team, denied trainings or TDYs, etc. Nonetheless, each “unvaccinated” SM has proudly stood ready to serve, to execute their oath-of-office, and prepared to be written up or relieved of duty at any moment, and thus have their careers and future destroyed. Often the “unvaccinated” were separated from the rest of the Wing during an RSD, being ordered to “stand over there.” We have certainly been discriminated against when only the “unvaccinated” were required to wear masks and test over the past two years. But here is an example of a most egregious offense from the State Air Commander, Brig Gen Steven Butow, and State Command Chief, Lynn Williams. In their MFR “for all Airmen” dated 30 Jul

2021 regarding the “unvaccinated” they state: “one third of our Airmen could pose a significant risk to the most vulnerable” and then they appeal to the AF core values, particularly “Service before Self.” After discussing that “selfless service is synonymous with the personal sacrifice” each of us make to accomplish the mission, the MFR asserts that “putting Self before Service results a hollow force that is rich in individual benefit but shallow in force capability.” In other words, if an Airmen does not take the experimental drugs, then one will “lose faith in the mission, each other or our core values” because the “unvaccinated” are placing “Self before Service.” This MFR underscores the words and sentiments uttered many times by The Adjutant General, MG Baldwin on multiple Battle Update Briefs (BUBs) which I heard with my own ears. MG Baldwin said, “We need to make it uncomfortable for the unvaccinated” because “they’re putting themselves above public health needs.” I cannot recall verbatim the verbiage, but I did hear him say more than once that we must make the “unvaccinated uncomfortable...and difficult for them” (as well as similar words of malice, e.g., the unvaccinated will have that swab “shoved up their nose every week”). Brig Gen Butow’s MFR, which came out after MG Baldwin’s open-mic comments, heralds a distinctive disdain against the “unvaccinated” by the particularly choice words of command: “Thank you and please get vaccinated!” because “In doing so, we preserve the true meaning of ‘Service Before Self.’”

15. My RAR was submitted based on my sincere and deeply held religious beliefs; its denial has caused no small measure of grief for me, my family, friends, co-workers, and church family. As a family, we are concerned with losing: the opportunity to presently serve, an income stream, retirement, and benefits. The constitutional right of religious freedom is being denied on the illegitimate, unsubstantiated reason of a lack-of-readiness to those expressing their faith and appropriating the protections of constitutional law and Service-related doctrine. The sincerity of my beliefs has been examined and documented in writing by a military chaplain, a civilian pastor

and employer, Christian universities and service organizations, etc. for over three decades. I am certified “combat ready” as evidenced by continuous service since the “pandemic.” There is no rational factual basis to conclude that granting an accommodation in my case will have a negative impact on the mission and even if it did, reasonable mitigation measures are available to me as they are to the SMs granted medical waivers. My RAR denial letter incorrectly states that “less restrictive means of protecting our force from COVID-19 are unavailable” and that “serving while unvaccinated impacts your required duties as a member of the Air National Guard.” Those statements are patently false. Since the “pandemic” I have continuously served, and specifically on two COVID mission. I have personally maintained a “healthy and ready force” posture – prepared, fully-mission capable, and volunteering for every opportunity – by practicing even the most felonious mitigation practices demanded in the Air Force, which is more than can be said for senior leaders (CCs and NCOs) who have been routinely and protractedly sick with COVID-19, and subsequently isolated and prevented from executing their military duties. Over the years I have counseled countless thousands of individuals and couples, saving marriages, preventing suicides, and guarding families. The denial of my request is in direct violation of applicable constitutional, statutory, and regulatory standards as well as clear precedent in the DoD’s recognition and granting of religious accommodations. For all of these reasons, I respectfully request approval of my religious accommodation request.

16. Liberty Counsel settled the USA’s first class-wide lawsuit for health care workers, which demonstrates a clear rebuff to the current narrative. As a Chaplain for both the USAF and CalVet, I am a “health care worker” who ministers to people from “womb-to-the-tomb.” I am continuously around sick people (COVID being the *illness du jour* of the time). Moreover, I could not serve in those capacities if I did not do what every airline recommends: ‘put on your own oxygen mask first before helping others.’ My immune system is fully mission capable. The


UK's Office for National Statistics (ONS) own data demonstrates that: "vaccinated young adults have a 92% higher mortality rate (per 100,000) than unvaccinated young adults" because the "COVID vaccine is to blame for frightening rise in cases of 'sudden adult death syndrome'" (<https://expose-news.com/2022/07/31/gov-reports-covid-vaccine-blame-sads/>). Moreover, among athletes, deaths are "1700% higher than expected since the COVID vaccine roll-out" (<https://expose-news.com/2022/07/30/athlete-deaths-up-since-covid-vaccine-rollout/>).

Considering that "vaccine development is a long, complex process, often lasting 10-15 years" (<https://historyofvaccines.org/vaccines-101/how-are-vaccines-made/vaccine-development-testing-and-regulation>), even now – and how much more if given the same amount of time of 10-15 years to study, chronicle, and report in VAERS and service-related reporting systems – the clarion current data reveals that there has been a significant increase in deleterious side-effects from the "vaccines" (<https://childrenshealthdefense.org/defender/american-adults-diagnosed-condition-covid-vaccine-zogby-survey/>) which has all been shielded by a massive cover-up (<https://childrenshealthdefense.org/defender/vaccine-injury-cover-up-covid-vaccination/>). These "vaccines" – like all others before – are proven to be neither safe nor effective. For example, the CINC, who has had COVID-19 twice despite having received two "vaccinations" and two "boosters" to date, is again, removed from "presidential readiness" via "strict isolation procedures." Whereas I, possessing a more robust naturally developed immunity, am ready to deploy anytime and anywhere, the CINC's immune system is compromised, and he is now relegated to isolation (again) and susceptible to "rebound positivity." Ironically, Brig Gen Butow encouraged "all unvaccinated Airmen to research your options and make an informed decision with respect to receiving a COVID-19 vaccination." This, however, is seemingly disingenuous because to date, no religious accommodations have been granted to those who desire to continue in military service. Moreover, after disparaging the "unvaccinated" as putting 'Self before

Service,’ he contradicted the hollow means to “make an informed decision” by the command appeal to “Please get vaccinated.” The entire fear-propagating MFR is a loaded presumption declaring that anyone who does not get “vaccinated” is selfish and bucks against the Air Force culture which requires “compliance.” In other words, the MFR creates and promotes a hostile culture that artificially divides the “Service before Self” Airman (i.e., “vaccinated”) from the “Self before Service” Airman (i.e., “unvaccinated”). Mandated “compliance” certainly erodes the façade of conducting personal “research” of “your options” to “make an informed decision with respect to receiving a COVID-19 vaccination.” As twenty-one members of Congress stated in their letter to President Biden on 26 Jul 2022: “The federal vaccine mandate has done and will continue to do significant, long-lasting harm and degradation, not only to our nation’s military readiness, but also to the trust in our scientific and government institutions.” The letter cites both President Biden’s and Dr. Fauci’s stance against “forced vaccination,” rightly asserts that “it is past time we end the unscientific assault on the liberties of those who have sworn to defend this nation with their lives,” and acknowledges that SMs have been put in a tyrannical dilemma, “a terrible predicament – either be forcefully coerced into inoculation or be discharged for exercising the freedoms that each of us bestow as Americans. There is simply no scientific reason or national interest to continue this absurdity.” Therefore, I concur with their urge: “to immediately withdraw the federal COVID-19 vaccine mandate on our service members.”

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.

August 1, 2022

/S/ 
Clayton B. Diltz, Th.D.



NATIONAL GUARD BUREAU

1636 DEFENSE PENTAGON

WASHINGTON DC 20301-1636

MEMORANDUM FOR Maj/O-4 Clayton Diltz

FROM: NGB/CF

SUBJECT: Request for Immunization Exemption

1. I have reviewed your request for a religious accommodation to receive an exemption from COVID-19 vaccine requirements and all related submissions. I have also reviewed and considered all the comments and recommendations of your chain of command detailed in their respective endorsement(s). After carefully considering the specific facts and circumstances of your request, as well as the unique circumstances of your duties as a Wing Chaplain, I disapprove your request for religious exemption from the COVID-19 vaccine.

2. When evaluating your request for religious exemption, I had to consider the risk to our mission. Immunizations are an important element of mission accomplishment, as they contribute to the health, safety, and readiness of the force. Given the importance of our mission, the Department of Defense and the Department of the Air Force have a compelling government interest in maintaining a healthy and ready military force through vaccination. Since less restrictive means of protecting our force from COVID-19 are unavailable, all uniformed Airmen are required to obtain full vaccination against COVID-19 and other infectious diseases. In light of the requirement to maintain a healthy and ready force, serving while unvaccinated impacts your required duties as a member of the Air National Guard.

3. If you choose to appeal this decision, please submit your written request to your unit commander.

4. A copy of this decision memorandum will be placed in your online personnel records. My point of contact is Ch, Col Yaakov Bindell, yaakov.bindell@us.af.mil, DSN 612-7437.

MICHAEL A. LOH
Lieutenant General, USAF
Director, Air National Guard

cc:
Unit CC