

PRESS RELEASE

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Two new class action lawsuits filed against The United States in the U.S. Court of Federal Claims

Defending the Republic, along with Co-counsel Dale Saran and Andrew Meyer, is proud to announce two new class action lawsuits filed against the United States in the U.S. Court of Federal Claims for its wrongful conduct in using the Department of Defense's (DOD) COVID-19 vaccine mandate to punish military service members who lawfully declined the experimental vaccines.

In these lawsuits – Botello v. United States and Bassen v. United States – Defending the Republic represents current and former members of the National Guard and Armed Forces Reserves (Botello) and former Active-Duty Service Members (Bassen) who were wrongfully discharged or dropped from active service, and as a result were wrongfully denied pay and benefits. The lawsuits seek backpay, restoration of benefits, reinstatement, correction of military records, and damages for systematic violations of religious liberties for a class of 70,000 to 100,000 National Guardsmen and Reservists and over 8,000 former Active-Duty Service Members.

Many of these service members had their religious accommodation requests to the vaccines unlawfully denied, in violation of the First Amendment's Free Exercise Clause and the Religious Freedom Restoration Act. They were subjected to what courts have described as the military's "sham" process for reviewing religious accommodation requests that amounted to little more than "theater." Other service members simply refused experimental and unproven COVID-19 vaccines that did not confer immunity and caused significant side effects, including death.

There is no doubt that these members of the National Guard, Reserves, and Active-Duty members from all branches were capable and ready to serve their country. They should have been allowed to continue to serve with distinction – and without being forced to take these ineffective vaccines. Instead, the Biden Administration retaliated and stripped these heroes of their retirement benefits, reduced their pay, and in the most extreme cases, completely removed them from service.

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The DOD purged over 100,000 service members and would have purged tens or hundreds of thousands more if not for the injunctions in place against five of the six Armed Services. This is the greatest reduction in force since the end of the Cold War and likely the greatest self-inflicted threat to national security and military readiness in our Nation's history as we face the prospect of war with rival superpowers on multiple fronts around the world.

In reaction to this, the Congress has eliminated the DOD COVID-19 Mandate in the FY2023 National Defense Authorization Act, where nearly 80% of the House and Senate directed Secretary Austin to "rescind" the mandate. "Rescind" is a legal term of art meaning that the mandate is null and void from the beginning and must be undone from the outset with full retroactive effect and to restore all adversely affected service members to the position in which they would have been absent the mandate. The DOD has rescinded the mandate, but it has refused to consider reinstatement or backpay for wrongfully discharged service members.

Defending the Republic will not stand back and let the Biden Administration punish the unvaccinated. These class actions will seek reinstatement and compensation and restore the rights of tens of thousands of the bravest Americans.

We can only take on these cases because of your support. Please help us continue in fighting lawfare and defend our liberties by making a monthly contribution at:

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**Our team at Defending the Republic, Inc.
Fights the battles others fear.
We fight for you.**

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