

Attorneys General and members of the House and Senate Armed Services Committee

Since August 2021, the actions of Secretary of Defense Lloyd Austin, Under Secretary of Defense (Personnel & Readiness) Gil Cisneros, Secretary of Army Christine Wormouth, and the Surgeon General of the Army LTG R. Scott Dingle, undermine and threaten America's national security. These leaders promote a culture of unlawfulness among military commanders, weaken the chain of command and obliterate morale among service members. Their abuse and assault upon our Armed Forces have cost the American taxpayer tens of billions in loss of military training, recruitment, and adversary-captured equipment, not to mention legal fees. Is their end game to annihilate the readiness of the United States Armed Forces?

Their disregard for the law is illustrated by the requirement for service members to submit to medical experimentation or lose career benefits to which they are otherwise entitled. Accordingly, It is my honor to help defend our men and women in uniform against these reproachful leaders by demonstrating, with statutes, the criminality of mandated medical experimentation.

DoD Instruction (DoDI) 6200.02 requires compliance by DoD leadership when an experimental medical product is introduced to DoD personnel. The product must meet one of the following conditions to come under these instructions:

- 1) DoDI 6200.02 E.2.21 "A drug not approved or a biological product not licensed by the FDA."
- 2) DoDI 6200.02 E2.7 "The FDA has determined [a medical product] may not be used for its intended purpose without an Emergency Use Authorization."

All COVID-19 vaccines presently available to service members meet the DoDI 6200.02 requirement of issuance of an Emergency Use Authorization (EUA) for administration. Further, all DoDI 6200.02 substances have been tested in the laboratory and authorized by the FDA for testing in humans. Such substances are called experimental, investigational new drugs or agents, with no legal intent. To involve humans in experimental products having an element of research such as monitoring, reporting adverse reactions, and gathering data meets the international and federal definition of medical experimentation.

DoDI 6200.02 E3.3 states, "DoD Components using medical products under an EUA shall comply with all requirements of Section 564 of Reference (d), FDA requirements that are established as a condition of granting the EUA (except as provided in section **E3.4 concerning a waiver of an option to refuse**), guidance from the Secretary of the Army as Lead Component, and instructions from the ASD(HA)."

DoDI 6200.02 E3.4 states, "In the event that an EUA granted by the Commissioner of Food and Drugs includes a condition that potential recipients are provided an option to refuse administration of the product, the President **may**, pursuant to section 1107a of Reference (e), waive the option to refuse for administration of the medical product to members of the armed forces." The President **has not waived** the federally protected right of service members to the informed consent process.

Esteemed AGs and Armed Forces Committee members – there is no statute authorizing the DoD the right of exemption from the informed consent requirement of 10 U.S.C. 1107a. This is precisely why the FDA informed the DoD in 2005 that, "Refusal [to participate in an investigational drug] may not be grounds for any disciplinary action under the Uniform Code of Military Justice. Refusal may not be grounds for any adverse personnel action." Furthermore, Lt Gen Place, Director of Defense Health Agency, clarified the right of service members to refuse a COVID-19 experimental substance by notifying military departments that, "(service members) have the option to accept or refuse the EUA product and are free from any consequences of refusing administration of the product." (DHA-IPM 20.004 (1)(d)(3))

Hence, by what authority are the aforementioned leaders allowing service members to incur consequences for refusing to volunteer for medical experimentation? The Department of Justice lawyers cite non-existent legislation by claiming an experimental substance can be legally treated as an approved drug if they share the same formulation. Such a claim in courts borders on insanity. No judge will allow statutes associated with an approved drug to be used interchangeably with laws associated with an experimental substance at the whims of plaintiffs. The FDA informed the DOJ that both substances have legal distinctions: in classification and respective labeling. Clearly, the legal representation for the DOJ is subpar, considering they are choosing to argue claims without statute. No law exempts the DoD from complying with 10 U.S.C. 1107 and or 1107a. NONE!

The abovementioned civilian and military leaders are legally required by DoDI 6200.02 to develop medical protocols for EUA substances, including instructions for implementation and policy adherence. The statutes also require each service commander to be cognizant of the informed consent rights of service members. The Surgeon General of the Army is obligated to abide by the USAMRDC '2018 Common Rule' regulations when developing implementation medical protocols for EUA vaccines. One such requirement is to ensure the DoD does not "coerce," apply "sanctions," or engage in activities construed as "undue influence," when offering an EUA vaccine to service members. Army SG LTG R. Scott Dingle failed in executing these mission

requirements. DoDI 6200.02 requires the Under Secretary of Defense (Personnel & Readiness) to be legally responsible for adherence to informed consent requirements of service members. Mr. Cisneros failed to fulfill the fiduciary responsibilities of his office leading to the gross maltreatment of service members.

The doors are now open for 2.1 million service members to file suit against the DoD because they were denied the right to give their legally effective informed consent. Additionally, only those who refused to volunteer for Pfizer's BioNTech experimental substance were penalized. As a direct result of political activists wilfully violating the 14th Amendment rights of servicemembers to be treated equally before the law, a legal storm is about to be unleashed upon the federal government. You are encouraged to visit [CovidPenalty.com](http://CovidPenalty.com) for resources to better understand these violations.

In closing, State Attorneys General, the men and women in uniform swore to die for you and me so that we might live. You have the legal authority and moral obligation to bring justice by challenging the unlawful actions of these civilian-appointed leaders hell-bent on destroying their careers, dreams, and lives. There would be no greater honor than protecting those sworn to protect you and me.