

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALs 1-26;

**U.S. NAVY SPECIAL WARFARE
COMBATANT CRAFT CREWMEN 1-5;**

**U.S. NAVY EXPLOSIVE ORDNANCE
DISPOSAL TECHNICIAN 1; and**

U.S. NAVY DIVERS 1-3,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official capacity as President of the United States of America; **LLOYD J. AUSTIN, III**, individually and in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, individually and in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

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MOTION FOR PRELIMINARY INJUNCTION**

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Respectfully submitted this 24th day of November, 2021.

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Tab 1

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Defendants.

DECLARATION OF MICHAEL D. BERRY

Pursuant to 28 U.S.C. § 1746, I, Michael D. Berry, under penalty of perjury declare as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I am one of the attorneys of record for the Plaintiffs in this matter.
3. The information contained in this declaration is based on my personal knowledge.
4. Attached as Exhibit 1 to this declaration are true and correct copies of Plaintiffs' requests

for religious accommodations as submitted to Defendants.

5. Attached as Exhibit 2 to this declaration is a true and correct copy of the affidavit U.S. Army Lieutenant Colonel Theresa Long submitted in *Robert, et al. v. Austin, et al.*, 1:21-cv-02228-RM-STV (D. Colo., filed Aug. 17, 2021).

6. Attached as Exhibit 3 to this declaration is a true and correct copy of Navy Bureau of Medicine Instruction (BUMEDINST) 6230.15B, “Immunizations and Chemoprophylaxis for the Prevention of Infectious Diseases,” (Oct. 7, 2013).

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24. Attached as Exhibit 21 to this declaration is a true and correct copy of U.S. Food & Drug Admin., "Know Your Treatment Options for COVID-19."

25. Attached as Exhibit 22 to this declaration is a true and correct copy of Press Release, "Pfizer's Novel COVID-19 Oral Antiviral Treatment Candidate Reduced Risk of Hospitalization or Death by 89% in Interim Analysis of Phase 2/3 Epic-HR Study" (Nov. 5, 2021).

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27. Attached as Exhibit 24 to this declaration is a true and correct copy of Brian Platt, *Why 'ideal' herd immunity for COVID-19 is likely impossible – but attempting to get there still matters*, *National Post* (Nov. 5, 2021).

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31. Attached as Exhibit 28 to this declaration is a true and correct copy of U.S. Food & Drug Admin., “Emergency Use Authorization (EUA) for an Unapproved Product: Review Memorandum” (Dec. 18, 2020).

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35. Attached as Exhibit 32 to this declaration is a true and correct copy of Meeting of the Vaccines and Related Biological Products Advisory Committee, U.S. Food and Drug Admin. (May 16, 2001) (Statement of Dr. Alex van der Eb, emeritus professor at the University of Leiden).

36. Attached as Exhibit 33 to this declaration is a true and correct copy of Centers for Disease Control, “Understanding mRNA COVID-19 Vaccines” (Mar. 4, 2021).

37. Attached as Exhibit 34 to this declaration is a true and correct copy of Patricia Kime, *DoD Confirms: Rare Heart Inflammation Cases Linked to COVID-19 Vaccines*, *Military.com* (June 30, 2021).

38. Attached as Exhibit 35 to this declaration is a true and correct copy of declaration submitted by Captain Mery-Angela Sanabria Katson, U.S. Navy, in *Navy Seal #1 v. Biden*, 8:21-cv-02429-SDM-TGW (M.D. Fla., filed Nov. 12, 2021).

39. Attached as Exhibit 36 to this declaration is a true and correct copy of U.S. Navy Manual of the Medical Department, P-117, Change 167 (Feb. 15, 2019).

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on November 22, 2021.

/s/Michael D. Berry
MICHAEL D. BERRY

Exhibit 1

1730
16 Oct 21

From: SO1(SEAL) SEAL 3 [REDACTED] ltr 1730 of 16 Oct 21
To: Chief of Naval Personnel
Via: (1) Commanding Officer, Naval Special Warfare Advanced Training Command
(2) Commander, Naval Special Warfare Center

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE
ICO SO1(SEAL) SEAL 3 [REDACTED]

Ref: (a) DoD Instruction 1300.17
(b) SECNAVINST 1730.8B CH-1
(c) BUPERSINST 1730.11A
(d) BUMEDINST 6230.15B
(e) MILPERSMAN 1730-020

Encl: (1) Chaplain Interview Checklist
(2) Non-Confidentiality Agreement
(3) Medical Counseling (Printed E-mail)
(4) NAVPERS 1070/613 (COVID-19 Vaccination Administrative Counseling/Warning)
(5) NAVPERS 1070/613 (COVID-19 Religious Exemption Request)

1. Pursuant to references (a) through (e), I hereby request religious accommodation from Navy policy ALNAV 062/21 and NAVADMIN 190/21, to the COVID19 Vaccine mandate due to my deeply held religious belief as a Traditional Catholic.

2. I am a baptized Catholic seeking an exemption from an immunization requirement. This letter explains how the Catholic Church's teachings may lead individual Catholics, including me, SEAL 3 [REDACTED] to decline certain vaccines.

3. The Roman Catholic Church teaches that a person may be required to refuse a medical intervention, including a vaccination, if his or her informed conscience comes to this sure judgment. While the Catholic Church does not prohibit the use of any vaccine, and generally encourages the use of safe and effective vaccines as a way of safeguarding personal and public health, the following authoritative Church teachings demonstrate the principled religious basis on which a Catholic may determine that he or she ought to refuse certain vaccines:

- a. Vaccination is not morally obligatory in principle and so must be voluntary.¹
- b. A person's informed judgments about the proportionality of medical interventions are to be respected unless they contradict authoritative Catholic moral teachings.³
- c. A person is morally required to obey his or her sure conscience.⁴

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE
ICO SO1(SEAL) SEAL 3 USN

4. A Catholic may judge it wrong to receive certain vaccines for a variety of reasons consistent with these teachings, and there is no authoritative Church teaching universally obliging Catholics to receive any vaccine. An individual Catholic may invoke Church teaching to refuse a vaccine developed or produced using abortion derived cell lines. More generally, a Catholic might refuse a vaccine based on the Church's teachings concerning therapeutic proportionality. Therapeutic proportionality is an assessment of whether the benefits of a medical intervention outweigh the undesirable side-effects and burdens in light of the integral good of the person, including spiritual, psychological, and bodily goods.⁴ It can also extend to the good of others and the common good, which likewise entail spiritual and moral dimensions and are not reducible to public health. The judgment of therapeutic proportionality must be made by the person who is the potential recipient of the intervention in the concrete circumstances,⁵ not by public health authorities or by other individuals who might judge differently in their own situations.

5. At the core of the Church's teaching are the first and last points listed above: vaccination is not a universal obligation, and a person must obey the judgment of his or her own informed and certain conscience. In fact, the Catechism of the Catholic Church instructs that following one's conscience is following Christ Himself.

6. In all he says and does, man is obliged to follow faithfully what he knows to be just and right. It is by the judgment of his conscience that man perceives and recognizes the prescriptions of the divine law: "Conscience is a law of the mind; yet [Christians] would not grant that it is nothing more; . . . [Conscience] is a messenger of him, who, both in nature and in grace, speaks to us behind a veil, and teaches and rules us by his representatives. Conscience is the aboriginal Vicar of Christ."⁶

7. Therefore, if a Catholic comes to an informed and sure judgment in conscience that he or she should not receive a vaccine, then the Catholic Church requires that the person follow this certain judgment of conscience and refuse the vaccine. The Catechism is clear: "Man has the right to act in conscience and in freedom so as personally to make moral decisions. 'He must not be forced to act contrary to his conscience. Nor must he be prevented from acting according to his conscience, especially in religious matters.'⁷

8. My request is based on my religious belief that at the risk of the damnation of my soul, and the relationship with Christ and His Holy Mother Mary the Queen of the most Holy Rosary I cannot willingly go against my conscience and receive the COVID19 vaccine.

SEAL 3

SO1 USN

SEAL 3

NOTES

1. Congregation for the Doctrine of the Faith (CDF), "Note on the Morality of Using Some Anti-COVID-19 Vaccines," December 17, 2020, n. 5: "At the same time, practical reason makes evident that vaccination is not, as a rule, a moral obligation and that, therefore, it must be voluntary."
2. See United States Conference of Catholic Bishops (USCCB), Ethical and Religious Directives for Catholic Health Care Services, 6thed. (Washington, DC: USCCB Publishing, 2018), n. 28. Hereafter "ERDs."
3. "A human being must always obey the certain judgment of his conscience. If he were to deliberately act against it, he would condemn himself. Yet it can happen that moral conscience remains in ignorance and makes erroneous judgments about acts to be performed or already committed." Catechism of the Catholic Church (Vatican City: Libreria Editrice Vaticana, 1993), www.vatican.va, n. 1790. Hereafter "CCC."
4. See ERDs, nn. 32-33; nn. 56-57; Part Three, Introduction, para. 2; Part Five, Introduction, para. 3.
5. See ERDs, nn. 56-57. Both of these directives state that the proportionality of medical interventions is established "in the patient's judgment."
6. CCC, n. 1777, citing John Henry Cardinal Newman, "Letter to the Duke of Norfolk," V, in *Certain Difficulties felt by Anglicans in Catholic Teaching II* (London: Longmans Green, 1885), 248.
7. CCC, n. 1782, citing Second Vatican Council, *Dignitatis humanae*, December 7, 1965, n. 3.

1730
16 Oct 21

From: SO1(SEAL) [REDACTED] SEAL 7 [REDACTED] USN
To: Chief of Naval Personnel
Via: (1) Commanding Officer, Naval Special Warfare Advanced Training Command
(2) Commander, Naval Special Warfare Center
Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE
ICO SO1 [REDACTED] SEAL 7 [REDACTED]

Ref: (a) DoD Instruction 1300.17
(b) SECNAVINST 1730.8B
(c) BUPERSINST 1730.11A
(d) BUMEDINST 6230.15B
(e) MILPERSMAN 1730-020

Encl: (1) Chaplain Memorandum
(2) Non-Confidentiality Agreement
(3) Health Record ICO SO1 [REDACTED]
(4) NAVPERS 1070/613 (COVID-19 Vaccination Administrative Counseling/Warning)
(5) NAVPERS 1070/613 (COVID-19 Religious Exemption Request)

1. Pursuant to the references, I hereby request religious accommodation from Navy policy ALNAV 062/21 and NAVADMIN 190/21 and any regulation, policy, or duty that requires me to obtain immunization or vaccination against SARS-CoV-2 (Covid-19).

2. My request is based on my sincerely held religious belief, which forbids me from obtaining the Covid-19 vaccine. After spending time in prayer with my wife we believe that we are being led by god not to take the COVID- 19 vaccine. We believe that if we disobey the word of God it is a grave sin. In accordance with Reference (a), "DoD Components will normally accommodate practices of a Service member based on sincerely held religious belief. Accommodation includes excusing a Service member from an otherwise applicable military policy, practice, or duty. In accordance with Reference (b), if such a military policy, practice or duty substantially burdens a Service member's exercise of religion, accommodation can only be denied if: (1) The military policy, practice, or duty is in furtherance of a compelling governmental interest. (2) It is the least restrictive means of furthering that compelling governmental interest. In applying this standard, the burden of proof is placed upon the DoD Component, not the individual requesting the exemption."

3. The U.S. Supreme Court very recently addressed a case in which the government refused to grant a religious accommodation request. In *Fulton v. City of Philadelphia*, the court struck down the government's refusal to grant a religious accommodation request, stating "where a system of individual exemptions exists, the government may not refuse to extend that system to cases of religious hardship without a compelling reason." *Fulton v. City of Philadelphia*, No. 19-123, slip op. at 2 (June 17, 2021). In order to satisfy the requirements set forth in reference (a) and

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE
ICO SO1 [REDACTED] SEAL 7

Fulton, the government must demonstrate why it is unable to grant my religious accommodation request despite the fact that it has granted other exceptions to its vaccine requirement. The government must further demonstrate that there are no alternatives to mandatory vaccination that are less restrictive on my sincerely held religious beliefs. Examples of possibly less restrictive means include testing for Covid-19 antibodies that might already be present from previous exposure or infection, allowing for remote or tele-working, or the use of masks.

4. Finally, in accordance with Reference (a), a Service member's expression of such beliefs may not in so far as practicable, be used as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

5. I certify that I understand that any approved or partially approved waiver may not be appropriate for future duty to which I may be assigned, including operational, non-operational or training command(s), and may be suspended or withdrawn in accordance with reference (c).

6. I acknowledge having received the following counseling:

a. Failure to obtain immunization poses additional risk to my health upon exposure to disease.

b. In the event of foreign travel, I may be detained during travel across foreign borders due to international health regulations.

c. If granted, a waiver may be revoked by my commanding officer if I am at imminent risk of disease or due to international health regulations.

d. If my job duties change, I may need to route a new request.

e. If I am at my permanent change of station while my waiver is in effect, I may need to route a new request if my job duties change, my geographic region exposes me to the aforementioned disease, or other factors exist that could put me at imminent risk of disease.

[REDACTED]
SEAL 7

SO1 USN

26 Jun 20

NON-CONFIDENTIALITY AGREEMENT

WARNING ADVISEMENT ABOUT STATEMENTS MADE DURING A
RELIGIOUS ACCOMMODATION INTERVIEW

I, SEAL 7, have been advised that
statements that are made during the course of my Religious Accommodation
request are not confidential and may be disclosed by Chaplain
SEAL 7 to further my Religious Accommodation request. If
confidential Chaplain support is needed, it may be requested at any time.

7 Oct 21
Date

07 OCT 2021
Date

SEAL 7

Counselor

[Signature]

Chaplain

7 Oct 2021

CHAPLAIN MEMORANDUM FOR THE RECORD

From: LT Nathan P. Grooms, Tactical Chaplain, Naval Special Warfare Group TWO
To: Commander, Naval Special Warfare Center.

Subj: REQUEST FOR A WAIVER OF POLICY TO ACCOMMODATE PRACTICE
BASED ON RELIGIOUS BELIEF ICO SO1 [REDACTED] SEAL 7

Ref: (a) SECNAVINST 1730.8
(b) SECNAVINST 1730.9

1. SO1 [REDACTED] has submitted a request for accommodation of a religious practice per reference (a). Per BUPERSINST 1730.11A, I interviewed the requestor on 07 Oct 2021. I explained that this interview would not be a confidential communication as defined by reference (b) and informed the requestor that referral for confidential chaplain support was available.
2. SO1 [REDACTED] is requesting an exemption from receiving the Pfizer-BioNTech/ COMIRNATY COVID-19 vaccines as required by SECDEF Memo on 24AUG2021. He has not previous requested any exemptions from the Navy.
3. SO1 [REDACTED] request is based on his Christian faith which holds to the scriptural belief that conscience should guide his actions, and that to violate conscience is to commit a sinful act. He believes the requirement to receive this vaccine goes against his religious freedom as a Christian and as an American. My interview with SO1 [REDACTED] was extensive; our conversation focused on the subject of his religious beliefs and the confliction he faces between his sincerely held religious beliefs and the current DOD requirement. This belief is congruent with SO1 [REDACTED] stated religious affiliation as listed on NAVPERS 1070/602.
4. Alternate means for the Covid-19 vaccine were discussed and none are available to meet the requirement.
5. I believe SO1 [REDACTED] request to be sincere and is consistent with his religious faith. He displays a manner of life and practice of faith that supports that belief.
6. My contact information is 757-763-5964 and nathan.p.grooms.mil@socom.mil.



N. P. GROOMS

CHAPLAIN INTERVIEW CHECKLIST

Requestor:			Interview Date: 07 OCT 2021
Name: SEAL 7			Chaplain Interviewer: NATHAN GROOMS
Phone:			Phone: 757-763-5964
E-mail:			E-mail: Nathan.P.grooms.mil@socom.mil
Command:			Chaplain's Command: NSWG-2
Interview Preliminaries			
Yes	No	N/A	
✓			Chaplain reviewed policy and doctrine on religious accommodation and the policy for which the requestor is seeking accommodation.
✓			Applicant was notified that the interview is not confidential and will be used to advise the command.
✓			Chaplain explained to the applicant that confidential support can be received from another chaplain.
	✓		Applicant has been granted a religious accommodation for this practice previously.
✓			Applicant's Page 2 (NAVPERS 1070/602) reflects the belief cited in the application.
Type of Waiver Requested			
Yes	No	N/A	
	✓		Uniform standards
	✓		Grooming standards
✓			Immunization requirements
	✓		DNA Sampling
	✓		Other (Please describe):
Interview			
Yes	No	N/A	
			Requestor's religious beliefs seemed honestly and sincerely held using one or more of the following factors:
✓			1. Requestor was credible (consistently keeps tenets, practices, etc.).
✓			2. Requestor's demeanor and pattern of conduct are consistent with the request.
✓			3. Requestor participates in activities associated with the belief(s).
		✓	4. Other persons supporting the claim are credible.
		✓	5. Request is supported by letter(s) of verification or endorsement from an organization espousing the beliefs which are the basis for the claim.
✓			Alternate means of accommodating the practice were explored in the interview.
Process Checklist			
Yes	No	N/A	
✓			Chaplain has prepared a memorandum documenting the interview.
✓			Chaplain reviewed memorandum with applicant and provided a copy.
✓			Chaplain submitted the memorandum and this document to the commanding officer via chain of command.
✓			Chaplain referred applicant to command to process request.

Extracted from BUPERSINST 1730.11 CH-1
24 Jul 2019

4 OCT 2021

From: SOC [REDACTED] SEAL 11 USN Active
To: Chief of Naval Personnel
Via: Commanding Officer, Naval Special Warfare Center

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE

Ref: (a) DoD Instruction 1300.17
(b) SECNAVINST 1730.8B CH-1
(c) BUPERSINST 1730.11A
(d) BUMEDINST 6230.15B
(e) MILPERSMAN 1730-020

1. Pursuant to references (a) through (e), I hereby request religious accommodation from Navy policy in accordance with BUMEDINST 6230.15B to decline all current SARS-CoV-2/ COVID-19 vaccination, and any future administration of vaccines or drugs tested on, developed with, or utilizing fetal cell lines and mRNA technology due to my religious belief that abortion and stimulating genetic function undermines my Creator.

2. My request is based on my sincere religious belief that life starts at inception and is created by God. Abortion is going directly against God by terminating what he is creating inside a mother's womb and considered murder. When aborted fetal material is used in development, testing or used in a drug and I know this fact it would make me complicit in the abortion by knowingly and willfully using the drug. In addition, the use of mRNA technology to trick the body into producing something it naturally does not or would not under normal circumstances produce goes against the natural body and God's intelligent design. God's intelligent design already does this by the immune system he created in each and everyone of us whether we believe in him or not. When a virus is introduced to the body it can fight off the infection naturally whether the virus is from a weakened form as in a vaccine or the full virus introduced by the environment. When a human produced substance makes the body react or produce something it doesn't naturally, this means the human is taking the place of God and is unacceptable to me. Lastly the way this vaccine is being used to coerce upstanding and righteous people into complying or losing their livelihood also in restricting the buying and selling of good is more indicative of the Evil one. In the Holy Bible there is an event which the buying and selling of goods are restricted to only persons who have proof of their mark of allegiance to the Evil One. I am not saying this is that exact situation, but I am also directed to apply situations in the Holy Bible to my time in history I believe this event applies and I am not willing to go against what I believe my God is directing me to do. Moreover, the way this vaccine was introduced to the public without long term effects tested and known I believe is an unethical medical practice. Based on these religious, moral, and ethical objections, I can't with a clear conscience take this or any other vaccines, drugs, or medical products knowingly developed in the same manner or use the same technology as these.

3. I certify that I understand that any approved or partially approved waiver may not be appropriate for future duty to which I may be assigned, including operational, non-operational or training command(s), and may be suspended or withdrawn in accordance with reference (c).

4. I acknowledge having received the following counseling:


- a. Failure to obtain immunization poses additional risk to my health upon exposure to disease.

b. In the event of foreign travel, I may be detained during travel across foreign borders due to international health regulations.

c. If granted, a waiver may be revoked by my commanding officer if I am at imminent risk of disease or due to international health regulations.

d. If my job duties change, I may need to route a new request.

e. If I am at my permanent change of station while my waiver is in effect, I may need to route a new request if my job duties change, my geographic region exposes me to the aforementioned disease, or other factors exist that could put me at imminent risk of disease.

Signed  SEAL 11

BUPERSINST 1730.11A

16 Mar 2020

CHAPLAIN INTERVIEW CHECKLIST TEMPLATE

Requestor:			Interview Date:	30 SEP 21
Name: SEAL 11			Chaplain Interviewer:	Paul Rodgers
Phone:			Phone:	619 537 2229
Email:			E-mail:	paul.rodgers2@socem.mil
Command:			Chaplain's Command:	NSWCEN
Interview Preliminaries				
Yes	No	N/A		
<input checked="" type="checkbox"/>			Chaplain reviewed policy and doctrine on religious accommodation and the policy for which the requestor is seeking accommodation.	
<input checked="" type="checkbox"/>			Applicant was notified that the interview is not confidential and will be used to advise the command.	
<input checked="" type="checkbox"/>			Chaplain explained to the applicant that confidential support can be received from another chaplain.	
	<input checked="" type="checkbox"/>		Applicant has been granted a waiver for this practice previously.	
<input checked="" type="checkbox"/>			Applicant's Page 2 (NAVPER 1070/602) reflects the belief cited in the application.	
Type of Waiver Requested				
Yes	No	N/A		
	<input checked="" type="checkbox"/>		Uniform standards	
	<input checked="" type="checkbox"/>		Grooming standards	
<input checked="" type="checkbox"/>			Immunization requirements	
	<input checked="" type="checkbox"/>		DNA sampling	
			Other (Please describe):	
Interview				
Yes	No	N/A		
<input checked="" type="checkbox"/>			Requestor's religious beliefs seemed honestly and sincerely held using one or more of the following factors:	
<input checked="" type="checkbox"/>			1. Requestor was credible (consistently keeps tenets, practices, etc.).	
<input checked="" type="checkbox"/>			2. Requestor's demeanor and pattern of conduct are consistent with the request.	
<input checked="" type="checkbox"/>			3. Requestor participates in activities associated with the belief(s).	
<input checked="" type="checkbox"/>			4. Other persons supporting the claim are credible.	
	<input checked="" type="checkbox"/>		5. Request is supported by letter(s) of verification or endorsement from an organization espousing the beliefs which are the basis for the claim.	
<input checked="" type="checkbox"/>			Alternate means of accommodating the practice were explored in the interview.	
Process Checklist				
Yes	No	N/A		
<input checked="" type="checkbox"/>			Chaplain has prepared a memorandum documenting the interview.	
<input checked="" type="checkbox"/>			Chaplain reviewed memorandum with applicant and provided a copy.	
	<input checked="" type="checkbox"/>		Chaplain submitted the memorandum and this document to the commanding officer via chain of command.	
<input checked="" type="checkbox"/>			Chaplain referred applicant to command to process request.	

Enclosure (3)

SECNAVINST 1730.9A
22 AUG 2018

**WARNING ADVISEMENT ABOUT STATEMENTS MADE DURING A RELIGIOUS
ACCOMODATION INTERVIEW**

SEAL 11

I, _____, have been advised
that statements that are made during the course of my religious
accommodation interview are not confidential and may be
disclosed by Chaplain Paul Rodgers to further my
religious accommodation request.

30 SEP 21

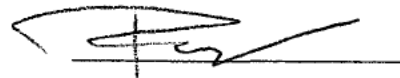
Date

SEAL 11

Counselee

30 SEP 21

Date



Chaplain

Enclosure (3)

30 Sep 2021

CHAPLAIN MEMORANDUM FOR THE RECORD

From: Command Chaplain, Naval Special Warfare Center
To: Commander, Naval Special Warfare Center

Subj: REQUEST FOR A WAIVER OF POLICY TO ACCOMMODATE PRACTICE
BASED ON RELIGIOUS BELIEF [REDACTED] SEAL 11

Ref: (a) SECNAVINST 1730.8
(b) SECNAVINST 1730.9

1. SOC [REDACTED] has submitted a request for accommodation of a religious practice per reference (a). Per BUPERSINST 1730.11A, I interviewed the requestor on 30SEP2021. I explained that this interview would not be a confidential communication as defined by reference (b) and informed the requestor that referral for confidential chaplain support was available.
2. [REDACTED] request is for an exemption to receive the Pfizer-BioNTech COVID-19 vaccine as required by SECDEF Memo on 24AUG2021. I began conversation with SOC [REDACTED] on this subject in early August culminating in his preparation of the exemption request and interview on 30SEP. He has not previous requested any exemptions from the Navy.
3. SOC [REDACTED] request is based in his Christian tradition which holds to the sanctity of all human life and opposes the practice of abortion. The Pfizer-BioNTech vaccine was developed from research tested on a human stem cell line (HEK-293) extracted from an aborted fetus. My interview with SOC [REDACTED] was extensive; our conversation focused on his religious beliefs, including the sacredness of the human body with his responsibility to maintain his own health and the ensuing conflict he faces between them and the current DOD requirement. He became a Christian adherent in 1999 and has since been an active participant and volunteer in local churches throughout his career, including recent years at [REDACTED]. This belief is congruent with SOC [REDACTED] religion as listed on NAVPERS 1070/602.
4. To date, none of the COVID-19 vaccines provide an alternate means for immunity as they were all developed with a fetal stem cell line.
5. I believe SOC [REDACTED] request to be sincere and consistent with his religious faith. He displays a manner of life and practice of faith that supports that belief.
6. My contact information is 619-537-2229 and paul.rodgers2@socom.mil.



P. B. RODGERS

Copy to:
[REDACTED]

11 SEP 2021

From: SO1 **SEAL 12**
To: Commander, Navy Recruiting Command
Subj: Request for Religious Accommodation for Vaccination

I hereby request a Religious Accommodation from vaccination. I am a Christian who believes in the Bible. My belief in God's inspired Word compels me to submit to His Law.

I have taken vaccines in the past, however, I have grown in faith and knowledge since then. In years prior, I blindly trusted every vaccine I was given. Since then, as my views have aligned with Holy Scripture, I have come to scrutinize all vaccines more and more. I have reached a point in my spiritual growth where I cannot, in good conscience, submit to all future vaccination for several reasons.

First, the Bible teaches that the body is a temple for the Holy Spirit. "Or do you not know that your body is a temple of the Holy Spirit within you, whom you have from God? You are not your own, for you were bought with a price. So glorify God in your body," 1 Corinthians 6:19-20. As I trust this passage to be the words of the Holy Spirit, I strive to keep my body pure from sin as I also abstain from flooding my body, which God created, with unclean foods and injections. Most vaccines contain neurotoxins, hazardous substances, attenuated viruses, animal parts, foreign DNA, albumin from human blood, carcinogens, and chemical wastes that are proven harmful to the human body. As a Christian who strives to honor God by taking care of the body He designed for me, I cannot voluntarily inject these ingredients into my bloodstream just as I would never voluntarily put these ingredients into my food.

Second, the Bible teaches that God created humans in His image (Genesis 1:26), that He knit us together in the womb (Psalm 139:13), and that He knew us before we were formed in the womb (Jeremiah 1:5). Proverbs 6:16-17 teaches "There are six things that the Lord hates" and that one of those things is "hands that shed innocent blood." Because of these truths taught in Scripture, I cannot have anything to do with abortion. I have always stood against abortion, but in years past, I had no idea that the vaccines I was taking use aborted fetal tissue in various stages of their development and testing. This is beyond offensive to me, and I feel my trust has been violated because this was never disclosed to me. The Pfizer and Moderna Covid-19 vaccines were both tested on aborted fetal tissue, and the Johnson & Johnson vaccine was actually made using aborted fetal tissue. The thought of injecting this into my body, "the temple of the Holy Spirit," is repulsive to my conscience and blasphemous to the Holy Spirit who dwells in me.

Third, the Bible teaches that God created our bodies with a specific design: "For you formed my inward parts; you knitted me together in my mother's womb. I praise you, for I am fearfully and wonderfully made. Wonderful are your works; my soul knows it very well." Currently, the only Covid-19 vaccine that

is being mandated by the DOD, the Pfizer vaccine, uses mRNA technology. This product enters the cell and artificially elicits a genetic response to synthesize spike proteins. I am fearfully and wonderfully made, and my soul knows it very well. I cannot, in good conscience, insert into my body something that will affect the natural genetic activities designed by my Creator.

Finally, I am deeply troubled by the current regulations on vaccine passports and the striking resemblance they bear with events prophesied in the Bible. Revelation 13:16-17 reads, "Also it causes all, both small and great, both rich and poor, both free and slave, to be marked on the right hand or the forehead, so that no one can buy or sell unless he has the mark, that is, the name of the beast or the number of its name." Later, Revelation 18 tells of a great angel administering God's violent judgement on "Babylon," and in verse 23, the angel states, "and all nations were deceived by your sorcery." Here, the original Greek word for "sorcery" in this text is "pharmakeia," the very word where we get "pharmacy" and "pharmaceuticals." With a rapidly growing number of businesses, institutions, and governments requiring this "mark," complete with serial numbers, to do any business, and considering that it all surrounds this "pharmakeia," these passages are extremely alarming to me. I cannot be a willing participant in this "passport" system because it stands in opposition to my religious beliefs.

Please understand that I am not resisting vaccines out of a rebellious spirit or for political purposes. The Covid debate is politically charged, but my current beliefs about vaccines began to develop before Covid. In 2018, both of my wife's parents died of cancer the same year. As we watched both of them endure failing treatments, my wife and I diligently researched everything we could about healthy living (diet, pharmaceuticals, vitamins/supplements, water filtration, exercise, sleep, shampoo, deodorant, toothpaste, etc.). As we researched, we were shocked at the things we found about vaccines specifically. Gradually, I have become more and more bothered by all vaccines, and as a Christian, I cannot passively go along with something that I feel corrupts God's creation. I simply want to glorify God, and to me, this is the right path. John 4:17 reads, "So whoever knows the right thing to do and fails to do it, for him it is sin."

I understand that this religious accommodation may affect my ability to deploy. I am fully aware of the possible administrative actions that can be taken against me. I have begun treatment for several injuries I have suffered in training and in combat overseas, and it is my hope that I can be exempt from further vaccination so I can peacefully complete these treatments without the worry of being punished for my religious convictions.

I request a waiver of the Covid-19 immunization. I hereby state that my request is based upon religious objection to immunization. I acknowledge having received the following counseling:

1. Failure to obtain immunization poses additional risk to my health upon exposure to disease.
2. In the event of foreign travel, I may be detained during travel across foreign borders due to international health regulations.
3. If granted, a waiver may be revoked by my commanding officer if I am at imminent risk of disease or due to international health regulations.
4. If my job duties change, I may need to route a new request.
5. If I am at my permanent change of station while my waiver is in effect, I may need to route a new request if my job duties change, my geographic region exposes me to Covid-19, or other factors exist that could put me at imminent risk of disease.

Very Respectfully,

SEAL 12

Witnessed:

Jason Fleck

SOCM JASON FLECK

BUPERSINST 1730.11A

REQUEST FOR WAIVER OF POLICY TO ACCOMMODATE A RELIGIOUS PRACTICE

28 September 2021

From: SO1 [REDACTED] SEAL 13 [REDACTED] United States Navy.
To: CDR Mike Witherill, United States Navy.
Via: Commander, Naval Special Warfare Group [REDACTED]

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE

Ref:

- a) DoD Instruction 1300.17
- b) SECNAVIST 1730.8B CH-1
- c) BUPERSINST 1730.11A
- d) BUMEDIST 6230.15B
- e) MILPERSMAN 1730-020

Encl: (1) Religious Leader Endorsement (see page 4)

I, [REDACTED] SEAL 13 [REDACTED], am exercising my rights under the First Amendment of the U.S. Constitution to declare Religious Accommodation.

This declaration is based upon sincerely held religious beliefs that vaccinations are in direct violation of my personal religious convictions and beliefs as outlined below:

1. Aborted fetal cell use in vaccines.

(A) Mindful of the Sixth Commandment “Thou shalt not murder” (Exodus 20:13 & Deuteronomy 5:17), I believe that abortion is wrong at every stage.

(B) I recognize that children are a gift from God from the moment of conception (Genesis 4:1, 17 & Jeremiah 1:5), are knit together in the womb (Psalm 139:13-16; 22:10-11 & Galatian 1:15), are a blessing from God (Genesis 1:28; 4:1; 9:7 & Psalm 127:3), are valued and loved (Matthew 18:1-14; 19:13-15), are created in the image of God (Genesis 1:27; 9:6), and their murder is condemned (Ezekiel 16:20-21; Psalm 106:37-38).

(C) The argument that the benefit to the public outweighs the life of the aborted child is in direct contradiction to my faith. God prohibits the practice of child sacrifice (Exodus 20:13; Deuteronomy 5:17; 12:30-32; 18:10; Leviticus 18:21; 20:2-5; 2 Kings 16:3; Psalm 106:38) and there is no “greater good” clause in the Bible.

(D) Vaccine ingredients that contain aborted fetal cells include, but are not limited to: PER C6, HEK 293, IMR-90, WI-38, WI-1 through WI-25, W-44, and MCR-5. Additionally, the following over the counter drugs were developed using fetal tissue: Tylenol, Pepto Bismol, Aspirin, Ibuprofen, Benadryl, and Claritin.

(E) Although some immunizations do not contain human tissue as an ingredient, many use aborted fetal cells during testing phases of production. By allowing myself to be vaccinated with products made by companies who use aborted fetal tissues in any way, I am investing in that company's financial security (Deuteronomy 27:25 forbids reward for murder).

(F) See David Prentice, Ph. D, COVID-19 Vaccine Candidates and Abortion-Derived Cell Lines, Charlotte Lozier Institute, June 2, 2021, <https://losierinstitute.org/update-covid-19-vaccine-candidates-and-abortion-derived-cell-lines/>.

2. Adding external contaminants into my body, especially into my bloodstream.

(A) In the Bible, blood represents the life force of humans and animals (Genesis 9:4; Leviticus 17:10-11; 17:14; Deuteronomy 12:23; Acts 15:20; 15:29).

(B) Aside from aborted fetal cells, vaccines also contain other ingredients contrary to my religious beliefs such as several types of animal and insect cells (Luke 13:1-5; Leviticus 11:13-47; Deuteronomy 14:19).

(C) The human body is a temple belonging to God, which the Bible commands we can take care (1 Corinthians 3:16-23; 6:19-20; Romans 12:1-2). In addition to the ingredients listed above, I believe other common vaccine ingredients such as: thimerosal, formaldehyde, aluminum, monosodium glutamate, acetone, and phenoxyethanol have reasonable potential to do harm to my body.

3. Allowing a vaccine into my body is in direct violation of my sincere religious beliefs due to the reasons outlined above. God created the human body in His image and saw that it was good (Genesis 1:27; 1:31). My faith is in the word of God, not in the wisdom of man pertaining to maintaining a healthy body (Mark 2:17; 1 Corinthians 3:16; 6:19-20; Proverbs 14:12; Psalm 118:8; Acts 5:29; Matthew 9:12).

This decision is based on my individual spiritual conscience and interpretation to live by God's word. Therefore, I sincerely hold that vaccines are made in violation of God's word, in allowing toxins, viruses, bacteria, animal blood, and aborted fetal tissue into my body. I am submitting this accommodation for all routine and non-routine vaccinations:

MMR – (99 aborted fetuses were used to develop this vaccine)

Pneumococcal

Rabies

Tdap

Hepatitis A

Hepatitis B

Polio
Typhoid
Yellow Fever
Influenza
Anthrax
Covid-19
Japanese Encephalitis
Any future vaccines

I understand that in the past I have been inoculated with some of the above. Due to the recent pandemic and expedited development of vaccines, I have educated myself more on vaccine development, research, and ingredients past and present. Just as I continue to move closer to God in my religious beliefs during my lifetime, my evolving understanding based on available research of vaccines has exposed the contradiction between my faith and what is put into my body.

I expect my leaders to uphold the oath to support and defend the United States Constitution and protect my free exercise of religion clause of the First Amendment in declaring religious accommodation from immunization. Please take notice that Title VII of the Civil Rights Act of 1964, as amended 1 November 1980, Part 1605.1 - Guidelines on Discrimination Because of Religion, employers are prohibited from discriminating against, firing, imposing different work requirements, or limiting employment opportunities or otherwise adversely affect the status of an employee based on religious convictions.

In *Frazee v. Illinois Department of Security*, 489 U.S. 829, the U.S. Supreme Court found that a state may not deny an accommodation simply because a person is not a member of a formal religious organization; and I trust that my service to our country which bears the hardship of rooting within a congregation will not be held against me. Furthermore, applicable law has been interpreted to mean that a religious belief is subject to protection even though no religious group espouses such beliefs or the fact that the religious group to which the individual professes to belong may not require such a belief.

Be it known that agents working on behalf of the state, school, or government agencies alike in vaccination matters are prohibited from requesting any administrative proof that explains the recipient's religious belief or proves membership to an "acceptable" or specific religion. Agents may not discriminate between religious denominations and may not make judgments regarding religious convictions as agents have no jurisdiction to do so.

The point of contact for this memorandum is [REDACTED] or [REDACTED]

See below enclosure 1 (Religious Leader Endorsement pg.4)

SEAL 13
SO1, UNITED STATES NAVY

Enclosure (1)

September 26, 2021

Subject: Religious Exemption Request for [REDACTED] SEAL 13

From: Dr. [REDACTED]

TO WHOM IT MAY CONCERN:

I am writing to request a Religious Exemption for [REDACTED] regarding the Covid vaccination. I have known the [REDACTED] family for almost forty years. [REDACTED] grandfather and grandmother, were ministry leaders in the church where I served as the senior pastor of [REDACTED] Baptist Church in [REDACTED]. [REDACTED] dedication to their Christian faith by following Biblical directives was passed down to their children including [REDACTED] father and mother, [REDACTED] "home-schooled" their children establishing the intellectual and spiritual foundations for their lives. [REDACTED] have continued with that same conviction as exhibited by their homeschooling their children.

For [REDACTED] this request for an exemption is consistent with his Christian worldview. His Christian convictions are also seen in his serving God and our nation.

I will have been involved in Christian ministry and leadership for fifty-seven years serving as a senior pastor for forty years in churches in university communities and serving as a professor for twenty-seven years in six Christian colleges and universities. I have met a great many young men and women. There are those who exhibit a diligence regarding their life and decisions. [REDACTED] has those same qualities. I appreciate his commitment to be true to his Christian convictions touching his family and his country.

I truly hope that you will grant his request for a Religious Exemption.

Please feel free to contact me if you have any questions.

Respectfully, yours,

[REDACTED]
Director, [REDACTED]

1030
06OCT21

From: SO1/E6, SEAL 15 USN
To: Chief of Naval Operations, N1
Via: (1) Commander, Naval Special Warfare Advanced Training Command

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE

Ref: (a) DoD Instruction 1300.17
(b) SECNAVINST 1730.8B
(c) BUPERSINST 1730.11A
(d) BUMEDINST 6230.15B
(e) MILPERSMAN 1730-020

1. Pursuant to the references, I hereby request religious accommodation from Navy policy ALNAV 062/21 and NAVADMIN 190/21 and any regulation, policy, or duty that requires me to obtain immunization or vaccination against SARS-CoV-2 (Covid-19).

2. My request is based on my sincerely held religious and personal beliefs, which forbids me from obtaining the Covid-19 vaccine. In accordance with Reference (a), "DoD Components will normally accommodate practices of a Service member based on sincerely held religious belief. Accommodation includes excusing a Service member from an otherwise applicable military policy, practice, or duty. In accordance with Reference (b), if such a military policy, practice or duty substantially burdens a Service member's exercise of religion, accommodation can only be denied if: (1) The military policy, practice, or duty is in furtherance of a compelling governmental interest. (2) It is the least restrictive means of furthering that compelling governmental interest. In applying this standard, the burden of proof is placed upon the DoD Component, not the individual requesting the exemption."

3. The U.S. Supreme Court very recently addressed a case in which the government refused to grant a religious accommodation request. In *Fulton v. City of Philadelphia*, the court struck down the government's refusal to grant a religious accommodation request, stating "where a system of individual exemptions exists, the government may not refuse to extend that system to cases of religious hardship without a compelling reason." *Fulton v. City of Philadelphia*, No. 19-123, slip op. at 2 (Jun. 17, 2021). In order to satisfy the requirements set forth in Reference (a) and *Fulton*, the government must demonstrate why it is unable to grant my religious accommodation request despite the fact that it has granted other exceptions to its vaccine requirement. The government must further demonstrate that there are no alternatives to mandatory vaccination that are less restrictive on my sincerely held religious beliefs. Examples of possibly less restrictive means include testing for Covid-19 antibodies that might already be present from previous exposure or infection, allowing for remote or tele-working, or the use of masks.

4. Finally, in accordance with Reference (a), a Service member's expression of such beliefs may not in so far as practicable, be used as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

5. I certify that I understand that any approved or partially approved waiver may not be appropriate for future duty to which I may be assigned, including operational, non-operational or training command(s), and may be suspended or withdrawn in accordance with reference (c).

6. I acknowledge having received the following counseling:

a. Failure to obtain immunization poses additional risk to my health upon exposure to disease.

b. In the event of foreign travel, I may be detained during travel across foreign borders due to international health regulations.

c. If granted, a waiver may be revoked by my commanding officer if I am at imminent risk of disease or due to international health regulations.

d. If my job duties change, I may need to route a new request.

e. If I am at my permanent change of station while my waiver is in effect, I may need to route a new request if my job duties change, my geographic region exposes me to the aforementioned disease, or other factors exist that could put me at imminent risk of disease.

SEAL 15

Statement

I hope to articulate my reasoning well and mean no disrespect to my superiors who are being ordered to follow through with this. After speaking with the Chaplain, I feel more compelled to write this, but I would rather speak face to face with my Commanders.

As a Christian man I am facing a moral dilemma with the order to take this vaccine because it violates my religious beliefs and other American values. I am not in favor of poor order and discipline in the Seal Teams. I do not wish to contribute towards any cultural erosion or undermining of my chain of command. The scriptures tell me to respect the authority of those whom I serve, but it also provides examples of men who resisted authority when it was contrary to God's laws. I wish I didn't have to ask for an accommodation, but I feel a heavy moral obligation to be forthright. I cannot compromise and disobey my God. I must treat my body respectfully because it is a temple for the Holy Spirit. I support the right of others to do the same or as they see fit. This mandate violates my religious freedom.

I cannot support the degradation of our citizens unalienable rights whom we in the military ultimately serve and protect. For our citizens to be subjected to a mandatory vaccine is unlawful, an aggressive political overreach as it violates their civil rights. This weighs on my conscience. I do not want to ignore what I feel the Holy Spirit has convicted me of. Lastly, I cannot forget my grandparents who came to the United States from Cuba in the early sixties. I cannot ignore their sacrifices and the reasons they chose to come here. They were God fearing individuals and the provision of religious freedom was one of the reasons that they came.

I want to honor God, I want to help preserve the freedoms of those around me, I want to continue humbly serving in this great community. Please hear my request and those of my brothers.

Very Respectfully,

SEAL 15

17 Sep 21

From: CWO3 [REDACTED] SEAL 16 [REDACTED] USN
To: Chief of Naval Personnel
Via: (1) Officer -In-Charge, Naval Special Warfare Group [REDACTED] Training Detachment
(2) Commander, Naval Special Warfare Group [REDACTED]
Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE
Ref: (a) DoD Instruction 1300.17
(b) SECNAVINST 1730.8B CH-1
(c) BUPERSINST 1730.11A
(d) BUMEDINST 6230.15B
(e) MILPERSMAN 1730-020
(f) NAVADMIN 190/21
(g) US Constitution
(h) King James Bible

1. Pursuant to references (a) through (h), I hereby request religious accommodation from NAVADMIN 190/21 regarding the mandated COVID-19 vaccines due to my religious belief that it would advance the cause of Satan and violate my personal and sacred oaths.

2. My request is based on my religious belief that my LORD Jesus Christ has directed me and all of his followers to uphold our commitments and promises that we make. Jesus instructed as much in his famous sermon on the mount when he said, "...let your communication be, Yea, yea; Nay, nay," and his younger half-brother reiterated the same in James 5:12. The Bible very clearly states in NUM 30:2, "If a man vow a vow unto the LORD, or swear an oath to bind his soul with a bond; he shall not break his word, he shall do according to all that proceedeth out of his mouth." By following this vaccine mandate, I would be breaking the oath I've taken to "support and defend the Constitution against all enemies..." At this juncture, I believe all COVID-19 vaccine mandates imposed upon myself, fellow servicemen, and all other Americans are in direct violation of the 14th Amendment (Section 1) to our US Constitution because they foster a culture of coercion, manipulation, and discrimination. These COVID vaccines are different from all other vaccines because of the totalitarian nature in which they are being implemented. Nurses, firefighters, police officers, other first responders, and now private citizens are being discriminated against and are forced into receiving these vaccines in order to keep their jobs. Many states and counties are enforcing vaccine passports to eat at restaurants and visit gyms. These actions defy the 14th Amendment and if I were to comply with these vaccine mandates, I would be consenting to what is happening to my countrymen. Furthermore, I believe these mandates to be originating from demonic and satanic enemies intent on destroying the unalienable rights of free citizens (endowed to them by their Creator) and contribute to the mark of the beast described in REV 13:16-17. Because of the God-given liberty protected for Americans, I believe Satan, as "god of this world," (2 COR 4:4) and who can blind people to the truth, is capitalizing on the current situation to undermine our Constitution, weaken America, and replace our nation's sovereignty with global Marxism. It is for these reasons that I am requesting a religious exemption to the mandate of receiving the COVID-19 vaccine. I make this request as consistent with my Christian faith.

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE

3. I certify that I understand that any approved or partially approved waiver may not be appropriate for future duty to which I may be assigned, including operational, non-operational, or training command(s), and may be suspended or withdrawn in accordance with reference (c).

4. I acknowledge having received the following counseling:

a. Failure to obtain immunization poses additional risk to my health upon exposure to disease.

b. In the event of foreign travel, I may be detained during travel across foreign borders due to international health regulations.

c. If granted, a waiver may be revoked by my commanding officer if I am at imminent risk of disease or due to international health regulations.

d. If my job duties change, I may need to route a new request.

e. If I am at my permanent change of station while my waiver is in effect, I may need to route a new request if my job duties change, my geographic region exposes me to the aforementioned disease, or other factors exist that could put me at imminent risk of disease.

SEAL 16

9 SEP 2021

CHAPLAIN MEMORANDUM FOR THE RECORD

From: LT Ian P Underhile, Command Chaplain, Naval Special Warfare Group [REDACTED]
To: Commanding Officer, Naval Special Warfare Group [REDACTED]
Subj: REQUEST FOR A WAIVER OF POLICY TO ACCOMMODATE PRACTICE BASED
ON RELIGIOUS BELIEF ICO [REDACTED] SEAL 16
Ref: (a) SECNAVINST 1730.8B
(b) SECNAVINST 1730.9A
(c) BUPERSINST 1730.11A

1. [REDACTED] has submitted a request for accommodation of a religious practice per reference (a). Per reference (c), I interviewed the requestor on 13 September 2021. I explained that this interview would not be a confidential communication as defined by reference (b) and informed the requestor that referral for confidential chaplain support was available.
2. Nature of the request. [REDACTED] met with me for an interview to understand and detail the nature of his objection to the COVID-19 vaccine, and the connection of this objection to his religious faith. [REDACTED] became a born-again Christian in 2005 and his faith is a central part of his moral compass and lifestyle today. [REDACTED] and his family attend an Independent Fundamental Baptist Church four to five times per week and have been active members in a similar church for the past 15 years. In the interview, we discussed the nature of the service member's faith-based objection to receiving the vaccine. The requestor has not previously pursued a religious accommodation related to vaccine exemption, because this is the first time that a vaccine mandate has violated the 14th Amendment (Section 1) and forced him to feel as if he were breaking his oath to "support and defend the Constitution." In his religious beliefs, [REDACTED] adamantly believes that when a man makes a vow—in this case his oath to defend the Constitution—he must not and cannot break that vow as it would be a blatant sin against God. Section 1 says, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; *nor shall any State deprive any person of life, liberty, or property, without due process of law*; nor deny to any person within its jurisdiction the equal protection of the laws." [REDACTED] believes that depriving fellow Americans of their individual liberty to be forced to take a vaccine without due process of law, is a direct violation of the Constitution, making it sinful for him to participate in an unconstitutional mandate. His patriotic stance as an American with unalienable rights as a free citizen, his belief in the God-given liberties of Americans, and his personal religious beliefs are all very closely aligned. He considers his military oath to be sacred before God. Furthermore, [REDACTED] believes that we are nearing the Biblical end times, and that Satan is using mandatory vaccines to blind people to the truth as described in Revelation Chapter 13 by conditioning people to submit to the "mark of the beast" and not to God. In his view—unlike other mandatory vaccines that military members receive—the unconstitutional mandate of the COVID-19 vaccine is eroding America's Christian foundation and he cannot participate in good conscience.

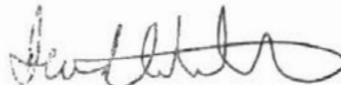
Encl (1)

3. Basis. The requestor's belief is that the COVID-19 mandate is an unlawful discrimination against fellow American citizens in the public and private sectors that violates the 14th Amendment (Section 1), which is part of the oath that he made before God to defend, and he cannot in good conscience break that oath. The seriousness of SEAL 16's oath to defend all the Constitution is a common understanding of his church community and falls in line with the Senior Pastor of his church [REDACTED]. As stated previously, [REDACTED] is an ardent and devout member of the church, and the Scriptural teachings about upholding vows and the parallels of mandatory vaccinations with the mark of the beast, all helps to form the basis for this request.

4. Alternate means. There are no alternative means or other vaccinations that [REDACTED] would be able to take as all the COVID-19 vaccines are being mandated in contradiction to his beliefs.

5. Sincerity. I have engaged with few individuals who would rival the sincerity and devotion to the authority of Scriptures as [REDACTED]. He is incredibly knowledgeable, credible, and clearly committed to his religious beliefs as evidenced by his faithful lifestyle and participation in his church throughout the week. Because his beliefs about the mandated Covid-19 vaccines conflict with his moral duty before God to protect and defend the Constitution, I find him to be sincere, honest, and seeking an exemption in good faith.

6. My contact information is 619-537-4430 or via email at ian.p.underhile.mil@socom.mil.



I. P. Underhile
LT, CHC, USN

Copy to: [REDACTED]

Encl (1)

BUPERSINST 1730.11A
16 Mar 2020

CHAPLAIN INTERVIEW CHECKLIST TEMPLATE

Requestor:	SEAL 16		Interview Date:	13 SEP 2021
Name:			Chaplain Interviewer:	IAN UNDERHILL
Phone:			Phone:	619 537 4430
Email:			E-mail:	ian.p.underhill.mil@sucom.mil
Command:			Chaplain's Command:	NSWG-8

Interview Preliminaries			
Yes	No	N/A	
<input checked="" type="checkbox"/>			Chaplain reviewed policy and doctrine on religious accommodation and the policy for which the requestor is seeking accommodation.
<input checked="" type="checkbox"/>			Applicant was notified that the interview is not confidential and will be used to advise the command.
<input checked="" type="checkbox"/>			Chaplain explained to the applicant that confidential support can be received from another chaplain.
	<input checked="" type="checkbox"/>		Applicant has been granted a waiver for this practice previously.
<input checked="" type="checkbox"/>			Applicant's Page 2 (NAVPERS 1070/602) reflects the belief cited in the application.

Type of Waiver Requested			
Yes	No	N/A	
		<input checked="" type="checkbox"/>	Uniform standards
		<input checked="" type="checkbox"/>	Grooming standards
<input checked="" type="checkbox"/>			Immunization requirements
		<input checked="" type="checkbox"/>	DNA sampling
		<input checked="" type="checkbox"/>	Other (Please describe):

Interview			
Yes	No	N/A	
			Requestor's religious beliefs seemed honestly and sincerely held using one or more of the following factors:
<input checked="" type="checkbox"/>			1. Requestor was credible (consistently keeps tenets, practices, etc.).
<input checked="" type="checkbox"/>			2. Requestor's demeanor and pattern of conduct are consistent with the request.
<input checked="" type="checkbox"/>			3. Requestor participates in activities associated with the belief(s).
<input checked="" type="checkbox"/>			4. Other persons supporting the claim are credible.
		<input checked="" type="checkbox"/>	5. Request is supported by letter(s) of verification or endorsement from an organization espousing the beliefs which are the basis for the claim.
<input checked="" type="checkbox"/>			Alternate means of accommodating the practice were explored in the interview.

Process Checklist			
Yes	No	N/A	
<input checked="" type="checkbox"/>			Chaplain has prepared a memorandum documenting the interview.
<input checked="" type="checkbox"/>			Chaplain reviewed memorandum with applicant and provided a copy.
<input checked="" type="checkbox"/>			Chaplain submitted the memorandum and this document to the commanding officer via chain of command.
<input checked="" type="checkbox"/>			Chaplain referred applicant to command to process request.

Enclosure (2)

Encl (1)

Pls' Mot. for Prelim. Inj. App. 000036

SECNAVINST 1730.9A
22 AUG 2018

**WARNING ADVISEMENT ABOUT STATEMENTS MADE DURING A RELIGIOUS
ACCOMODATION INTERVIEW**

I, SEAL 16, have been advised
that statements that are made during the course of my religious
accommodation interview are not confidential and may be
disclosed by Chaplain UNDERHILL to further my
religious accommodation request.

13 SEP 2021

Date

Verbal Consent
over the
phone

Counselor

13 SEP 2021

Date



Chaplain

Enclosure (2)

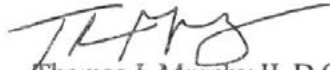
Encl (1)

16 Sep 2021

From: Senior Medical Officer, Naval Special Warfare Group [REDACTED]
To: Commander, Naval Special Warfare Group [REDACTED]

Subj: Medical Interview ISO Request for Religious Exemption.

1. SEAL 16 [REDACTED] is requesting a religious exemption from the COVID-19 Vaccine. Member has been counseled on the medical consequences of not being vaccinated. Vaccination remains the most effective tool that currently exists to prevent the negative effects of COVID-19 on our force, families, and communities. Member understands the risk with abstaining from vaccination.
2. This service member has been offered the current information regarding COVID-19 pandemic and the available vaccines.


Thomas J. Murphy II, D.O.
Commander
Medical Corps
United States Navy

Encl (2)

07 NOV 21

From: SEAL 16 [REDACTED] USN
To: Chief of Naval Operations
Via: (1) Officer-In-Charge, Naval Special Warfare Group [REDACTED] Training Detachment
(2) Commander, Naval Special Warfare Group [REDACTED]

Subj: APPEAL REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE

Ref: (a) DoD Instruction 1300.17
(b) SECNAVINST 1730.8B CH-1
(c) BUPERSINST 1730.11A
(d) BUMEDINST 6230.15B
(e) MILPERSMAN 1730-020
(f) NAVADMIN 190/21
(g) US Constitution
(h) King James Bible

Encl: (1) COVID-19 Recovery Memo [REDACTED]

1. Pursuant to references (a) through (h), I hereby request appeal for religious accommodation from NAVADMIN 190/21 regarding the mandated COVID-19 vaccines. Since my original submission, I can now adequately meet the DoD's "compelling interest in military readiness," with the "least restrictive means available," by demonstrating prior "documented infection," and recovery in accordance with reference (d) and enclosure (1). Religiously, I maintain my sincerest belief that this vaccine advances the cause of Satan and violates my personal and sacred oaths.

2. On 8 SEP 2021, I became symptomatic with COVID-19 and was ordered to report to my command medical department for COVID testing. My infection and recovery were documented by the Senior Medical Officer as enclosure (1). Despite my illness and 10-day quarantine while sick-in-quarters (SIQ), my chain of command ordered me to submit all the necessary paperwork and conduct all required interviews to meet the arbitrary 17 SEP 2021 deadline noted in the NAVPERS 1070/613 that I was ordered to sign on 7 SEP 2021. Regardless of my due diligence and availability, no one in my chain of command conducted any interview to base their letters of endorsement upon. Once I was fully recovered, I requested "all approving authorities," to grant me an extension from the 10-day deadline in order to further consult with medical, legal, and religious counsel. Despite this reasonable request, the Commander of Naval Special Warfare Group [REDACTED] rejected it and did not forward to any other approving authorities.

3. Upon receipt of disapproval from Deputy Chief of Naval Operations (DCNO) on 2 NOV 2021, I was given five days to file for appeal. Within this timeline, I requested the notes made by the CCDA that were used to make the determination of disapproval. I also requested a 30-day extension, addressed to all approving authorities, to file for appeal in order to review and address the CCDA notes and consult with medical, legal, and religious council. Commander, Naval Special Warfare Group [REDACTED] rejected both requests without justification.

4. My religious request is based on my belief that my LORD Jesus Christ has directed me and all of his followers to uphold our commitments and promises that we make. Jesus instructed as much in his famous sermon on the mount when he said, "... let your communication be, Yea, yea; Nay, nay," and his younger half-brother reiterated the same in James 5:12. The Bible very clearly states in NUM 30:2, "If a man vow a vow unto the LORD, or swear an oath to bind his soul with a bond; he shall not break his word, he shall do according to all that proceedeth out of his mouth." By following this vaccine mandate, I would be breaking the oath I've taken to "support and defend the Constitution against all enemies..." At this juncture, I believe all COVID-19 vaccine mandates imposed upon myself, fellow servicemen, and all other Americans are in direct violation of the 14th Amendment (Section 1) to our US Constitution because they foster a culture of discrimination, coercion, and manipulation. These COVID vaccines are different from all other vaccines because of the totalitarian nature in which they are being implemented. Nurses, firefighters, police officers, other first responders, and now private citizens are being discriminated against and are forced into receiving these vaccines in order to keep their jobs. Many states and counties are enforcing vaccine passports to eat at restaurants and visit gyms. These actions defy the 14th Amendment and if I were to comply with these vaccine mandates, I would be consenting to what is happening to my countrymen. Furthermore, I believe these mandates to be originating from demonic and satanic enemies intent on destroying the unalienable rights of free citizens (endowed to them by their Creator) and contribute to the mark of the beast described in REV 13:16-17. Because of the God-given liberty protected for Americans, I believe Satan, as "god of this world," (2 COR 4:4) and who can blind people to the truth, is capitalizing on the current situation to undermine our Constitution, weaken America, and replace our nation's sovereignty with global Marxism. It is for these reasons that I am requesting a religious exemption to the mandate of receiving the COVID-19 vaccine. This request is consistent with my Christian faith.

5. I certify that I understand that any approved or partially approved waiver may not be appropriate for future duty to which I may be assigned, including operational, non-operational, or training command(s), and may be suspended or withdrawn in accordance with reference (c). However, due to my previous infection and recovery of COVID-19, this exemption would also be protected under ref (d).

6. I acknowledge having received the following counseling:

a. Failure to obtain immunization poses additional risk to my health upon exposure to disease, unless already infected, as consistent with ref (d).

b. In the event of foreign travel, I may be detained during travel across foreign borders due to international health regulations.

c. If granted, a waiver may be revoked by my commanding officer if I am at imminent risk of disease or due to international health regulations.

d. If my job duties change, I may need to route a new request.

e. If I am at my permanent change of station while my waiver is in effect, I may need to route a new request if my job duties change, my geographic region exposes me to the aforementioned disease, or other factors exist that could put me at imminent risk of disease.

SEAL 16

23 Sep 2021

MEMORANDUM

From: Senior Medical Officer, Naval Special Warfare Group [REDACTED]

To: [REDACTED]

Subj: COVID-19 Recovery

1. In accordance with U.S. Center of Disease Control (CDC) and Department of Defense (DOD) guidance, this memo documents your recent COVID infection and recovery.
2. You tested positive for COVID-19 on 8 Sep 2021. You met the recovery requirements and were documented as recovered on 18 Sep 2021.
3. In accordance with U.S. Center of Disease Control (CDC) and Department of Defense (DOD) policy, for the next three months, you should not be tested for COVID again unless you are symptomatic.
3. For further information please contact, CDR Thomas Murphy at 619-961-0320 or email: thomas.murphy@socom.mil.


T.J. MURPHY

Enclosure (1)

1730
16 Oct 21

From: SO1(SEAL) [REDACTED] SEAL 17 [REDACTED] USN
To: Chief of Naval Personnel
Via: (1) Commanding Officer, Naval Special Warfare Advanced Training Command
(2) Commander, Naval Special Warfare Center

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE
ICO SO1(SEAL) [REDACTED] SEAL 17 [REDACTED] USN

Ref: (a) DoD Instruction 1300.17
(b) SECNAVINST 1730.8
(c) BUPERSINST 1730.11
(d) Declaration on the Production and the Scientific and Therapeutic Use of Human Embryonic Stem Cells
(e) Moral Reflections on Vaccines Prepared from Cells Derived from Aborted Human Fetuses
(f) Department of Health and Human Services, Rules and Regulations for the Protection of Human Research Subjects, Code of Federal Regulations 45, Section III, Subheading C (1983)
(g) www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/mrna.html
(h) The Holy Bible

Encl: (1) Chaplain Interview Checklist
(2) Chaplain Memorandum
(3) Non Confidentiality Agreement
(4) Medical Counseling (Printed E-mail)
(5) NAVPERS 1070/613 (COVID 19 Vaccination Administrative Counseling/Warning)
(6) NAVPERS 1070/613 (COVID 19 Religious Exemption Request)
(7) Troy A. DeHart letter
(8) Lab Report ICO [REDACTED]

1. Pursuant to references (a) through (h), I hereby request religious accommodation from Navy policy regarding the mandated COVID-19 vaccines. I am declining to receive the COVID 19 Vaccination due to my religious beliefs that:

a. Immunizations constructed, produced, tested, or derived from aborted fetal cell lines, reference (e). As a Christian, I do not support abortion. With that being said, it is repulsive that we be forced to inject substances into our body created or tested using aborted children's tissue! I agree with tenet of the Church that states that it is morally unacceptable for Christians to participate in fetal stem cell research or receive vaccines derived from this type of research when there are alternatives available, reference (e).

b. I also believe that my body is the temple of the Holy Spirit, and not my own. (1 Corinthians 6:19.)

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE
ICO SO1(SEAL) [REDACTED] SEAL 17 [REDACTED] USN

2. My request is based on my sincere religious belief that obedience to God for me is to not receive the COVID-19 vaccination.
3. I certify that I understand that any approved or partially approved waiver may not be appropriate for future duty to which I may be assigned, including operational, non-operational or training command(s), and may be suspended or withdrawn in accordance with reference (c).

[REDACTED]
SEAL 17

SO1 USN