

Thomas L. Rempfer  
5110 East Ramsey Road; Hereford, Arizona 85615  
(520) 869-6590; [TRempfer@aol.com](mailto:TRempfer@aol.com)

March 24, 2021

U.S. Department of Justice (DoJ)  
Office of the Pardon Attorney  
950 Pennsylvania Avenue  
Washington, D.C. 20530

Dear Office of the Pardon Attorney:

In response to my correspondence, relayed from the White House, I received an email from your office inviting me to apply and request pardons for former Servicemembers punished over the Department of Defense (DoD) Anthrax Vaccine Immunization Program (AVIP). I am providing the following appeal directly to your office on those Servicemember's behalf, since it involves all military branches. The personal notarized form is not included, since I was not punished, further documenting the inequities for those that were disciplined. Favorable consideration is warranted for Presidential pardons for all U.S. Servicemembers that were punished over the anthrax vaccine during the timeframe it was not properly licensed.

Federal Courts affirmed the vaccine program was investigational, and therefore the mandatory program was illegal, and in violation of 10 USC § 1107, prior to the December 19, 2005 FDA licensing of the vaccine (See 538 F. Supp. 2d at 210). This means correction of records for those who previously chose to not participate in the program should be an academic and honorable course of action. Broad pardons would be a well-received exercise of civilian control of the military.

Approximately 1,000 members of our armed forces suffered wide ranging disciplines, from dishonorable discharges and felony convictions to fines and reprimands, over the anthrax vaccine program. Though there has been military correction board guidance by the DoD for a general review of injustices, inequities and errors, the unfortunate reality is that only a handful of anthrax vaccine record corrections occurred. One example that I provided a character reference for was the case of Sgt James Muhammad, USMC, JMP Docket 4948-18. His discharge was graciously upgraded to fully honorable. His rank was restored, and he received a retroactive Good Conduct Medal. In contrast to Sgt Muhammad's record correction clemency, another Servicemember, A1C Jeffrey A. Bettendorf, in case BC-2019-04938, was unfortunately recently denied.

Based on the inequities documented by the two above-mentioned contrasting cases, and considering there are 1,000 or more Servicemembers also worthy of clemency or pardon, this appeal is justified, as well as timely in light of current events. Beyond the commonsense reality that the troops who refused, and were punished, did not commit any violations from a historical lens, the reality also exists that those same troops are the very reason we have Emergency Use Authorization (EUA) laws on the books today under 21 USC § 360bbb. That law allowed all Americans to be able to receive investigational unapproved medical products for COVID-19. The anthrax vaccine was the first use of the EUA mechanism, based on the fact our troops proved the countermeasure was not fully or properly FDA approved until December 2005.

Our entire nation owes these troops a debt of gratitude, not only due to their pivotal role in the promulgation of EUA authorities, but also for their dutiful example of good conduct and discipline. I respectfully request the DoJ's Office of the Pardon Attorney on behalf of our President favorably consider this request for broad pardons at the earliest opportunity.

Very Respectfully,



Col(s) Thomas L. Rempfer  
United States Air Force, Retired