

AFFIDAVIT OF TRUTH

Criminal Complaint Violations of Uniform Code of Military Justice

Accused:

**MAJOR GENERAL (MG)
ROBERT L. EDMONSON II,
Commanding General and Senior
Mission Commander, Aberdeen
Proving Ground, Maryland
6002 Combat Drive, Aberdeen
Proving Ground, Maryland
21005-1845**

Complainant:

**Mark Charles Bashaw
FIRST LIEUTENANT (1LT)
MARK C. BASHAW
(Unlawfully Discharged), U.S.
Army**

1. I am a living soul, a man, created by God, child of God, called by Mother and Father since born: Mark-Charles; family of Bashaw (Mark Charles Bashaw). I am one of We The People and I stand firmly upon the land. To secure the Republic, I retain all just powers from the consent of the governed, reserve all rights, and being of sound mind and under no duress, do hereby depose and claim the following truth under sworn oath:

2. On 08 September 2019, I was appointed to the office of FIRST LIEUTENANT (1LT) MARK C. BASHAW and swore an "Oath of Office" on a Department of the Army Form 71, in accordance with PUBLIC LAW 89-554. This Oath of Office is a legal and lawfully binding social contract to secure the trust indenture for the people of the United States of America and our form of government, a Constitutional Republic, by the people and for the people. Specifically, and without any mental reservation or purpose of evasion, I swore to defend the Constitution against enemies foreign and domestic as a commissioned executive officer in the United States Army, Medical Service Corps, so help me God. The American People have entrusted me to uphold this social contract (DA71) as I was appointed a trustee. The American People are the beneficiaries of this social contract, so long as I perform my duties morally, ethically, and lawfully. (Exhibit A)

3. I am submitting this Affidavit of Truth to document violations of the Uniform Code of Military Justice (UCMJ), assert my rights under the UCMJ, the laws of the United States of America, and to continue forth in carrying out my sworn duties. This affidavit documents the retaliatory actions taken against me and my office by the accused. The accused is a man, by the name of Robert L. Edmonson II., appointed and assigned to the following office: MAJOR

GENERAL (MG) ROBERT L. EDMONSON II, Commanding General and Senior Mission Commander, Aberdeen Proving Ground, Maryland.

4. MG Edmonson is accused of violations under UCMJ Article 132, Article 92, and breach of his Oath of Office (Department of the Army Form 71) for failing to support and defend the Constitution of the United States of America against enemies foreign and domestic.

5. From 02 January 2020 through 26 June 2023, I was assigned to the Defense Centers Public Health-Aberdeen (Formerly known as Army Public Health Center) as a Preventive Medicine (67C)/Medical Entomologist (72B). During this time, I also served as the Company Commander from May 2020 to July 2021.

6. During 16 September 2021 through 26 June 2023, I reported/communicated violations of regulations, laws, and substantial and specific dangers to public health and safety, regarding the experimental and weaponized Emergency Use Authorized COVID-19 products (masks, tests, injections). I communicated this information directly to my Chain of Command, Army Public Health Center COVID-19 Task Force & Leadership, Congress, Inspectors General Offices, and a Military Judge with the sole intent of ensuring the well-being of military personnel and the public at large, in accordance with Army Regulation 600-20 paragraph 5-12, Army Regulation 40-5 (Army Public Health Program), 10 USC 1034, DoDD 7050.06 and the United States Constitution. This communication is documented in Exhibit A & A1, a defense exhibit, that was admitted into the court of record at UNITED STATES v 1LT MARK C. BASHAW.

7. On or before 19 January 2022, MG ROBERT L. EDMONSON II, knowingly received and signed off receipt of a Formal Article 138 UCMJ that was submitted from me and my office (1LT MARK C. BASHAW) that documented violations of **Army Regulation, Federal Laws (Public Law), the Constitution, as well as, Specific and Substantial Dangers to Public Health and Safety**. Instead of addressing the protected communications documented, MG ROBERT L. EDMONSON II carried out retaliation against me and my office, regarding the protected communication, and convened a Special Courts-Martial against me.

8. On 28 April 2022, MG ROBERT L. EDMONSON II convened a court martial (UNITED STATES v 1LT MARK C. BASHAW) with direct intent and execution of retaliation against protected communications my office submitted, and his office knowingly received on or before 19 January 2022 (Exhibit B). Again, this protected communication was submitted and recorded as "Exhibits A & A1" in UNITED STATES v. 1LT MARK C. BASHAW (Case # 20220213).

9. On 27 June 2022, MG ROBERT L. EDMONSON II continued retaliation by initiating an unlawful officer elimination against my office of 1LT MARK C. BASHAW as a direct result of the protected communication that he received, which was submitted as a defense exhibit in **UNITED STATES v. 1LT MARK C. BASHAW** (Case # 20220213 "Exhibits A & A1"). Ultimately, these retaliatory actions by MG ROBERT L. EDMONSON II led to my unlawful discharge on 26 June 2023. Additionally, MG ROBERT L. EDMONSON II's office was given and signed receipt on four separate occasions (19 January 2022; 29 April 2022; 08 August 2022; 06 September 2022) of dangers to public safety, violations of regulations, violations of public law, and violations of the United States Constitution, which it was his duty to obey. Instead, MG

ROBERT L. EDMONSON II signed off on retaliatory actions which were in direct violation of the Article 132 UCMJ (Public Law 115-9; 10 U.S. Code 932 Retaliation, 10 U.S. Code 1034, prohibition of retaliatory personnel actions).

10. These retaliatory actions are a direct violation of Article 132, UCMJ, which prohibits retaliation against any person for reporting or planning to report a criminal offense or making or planning to make a protected communication. Additionally, MG ROBERT L. EDMONSON II on or around 14 September 2021 received a direct order from Headquarters Department of the Army, via "FRAGO 5 TO HQDA EXORD 225-21 COVID-19 STEADY STATE OPERATIONS," an order which it was his duty to obey, an order to ensure sufficient doses of department of defense COVID-19 approved vaccines were on hand and available for his units. Instead, the experimental Emergency Use Authorized COVID-19 injections were the only available products for his units. MG ROBERT L. EDMONSON II knowingly refused to inform his units about the regulatory requirements that gave them the option to accept or refuse participation with these experimental COVID-19 products, and the immense safety signals that were showing a substantial and significant danger to public health and safety.

11. I request a thorough and impartial investigation to verify the allegations outlined in this Affidavit of Truth to ascertain the veracity of my claims.

12. I request that MG ROBERT L. EDMONSON II is charged and brought to a court martial for his violations of Article 132 UCMJ, Article 92 UCMJ, and his Oath of Office (DA FORM 71).

13. I affirm that the statements made in this affidavit are true and accurate to the best of my knowledge and belief.

Maxims of Law:

"TRUTH IS EXPRESSED IN THE FORM OF AN AFFIDAVIT"
Lev. 5:4-5; Lev 6:3-5; Lev. 19:11-13; Num. 30:2; Mat. 5:33; James 5:12.

"AN UNREBUTTED AFFIDAVIT STANDS AS TRUTH IN COMMERCE"
12 Pet. 1:25; Heb. 6:13-15. Claims made in your affidavit, if not rebutted, emerge as the truth of the matter. Legal Maxim: "He who does not deny, admits."

"A Claim bought in law that is not contested or rebutted, then stands true. Hence silence to a controversy is considered consent to any judgment."

Court Cases:

"The Maxim of Law that "an Unrebutted Affidavit is Truth" is also codified in the rules of procedure. Non-Rebutted Affidavits are Prima Face Evidence in the Case. "Indeed, no more than (Affidavits) is necessary to make the Prima Facie Case." U.S. v. Kis (7th Cir. 1981). Cert Denied, 50 U.S. LW. 2169; S. Ct. March 22, 1982. "Uncontested Affidavit taken as true in

support of Summary Judgment.” Seitzer v. Seitzer, 80 Cal. Rptr. 688 Since the Record of the Parties shows that parties show no rebuttal on record, let it be the tacit admission of both Defendants to the stipulated facts throughout all of Petitioners Notices.” ~ McCullough v. O’Connell case # 22-0068

Military Whistleblower Protection Act (Army Regulation 600-20, Paragraph 5-12, Army Command Regulation; 10 USC 1034 and DoDD 7050.06)):

b. No person will take an unfavorable personnel action, or withhold or threaten to withhold a favorable personnel action, as a reprisal against a member of the Armed Forces for making or preparing or being perceived as making or preparing to make a protected communication. A protected communication includes:

(1) Any lawful communication with a Member of Congress or an IG.

(2) A communication described in paragraph 5-12b(4) that is made (prepared or perceived to be made) to a Member of Congress; an IG; a member of a DoD audit, inspection, investigation, or law-enforcement organization; any person or organization in the chain of command; a court-martial proceeding; or any other person or organization designated pursuant to regulations or other established administrative procedures for such communications or:

(3) Testimony, or otherwise participating in or assisting in an investigation or proceeding related to a protected communication, or filing, causing to be filed, participating in, or otherwise assisting in an action brought under the Military Whistleblower Reprisal Act or:

(4) A communication in which a member of the Armed Forces complains of or discloses information that the member reasonably believes constitutes evidence of any of the following:

(a) A violation of law or regulation, including a law or regulation prohibiting rape, sexual assault, or certain other sexual misconduct, sexual harassment, or unlawful discrimination.

(b) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or

(c) A threat by another member of the Armed Forces or employee of the Federal Government that indicates a determination or intent to kill or cause serious bodily injury to members of the Armed Forces or civilians or damage to military, Federal, or civilian property

Definition:

Just: Conforming to or consonant with, what is legal or lawful, legally right, lawful.

Enclosed:

Exhibit A – Appointment Orders & DA FORM 71, Oath of Office, Mark Charles Bashaw

Exhibit B – Formal Article 138 Complaint UCMJ

I declare under penalty of perjury under the laws and regulations of Uniform Code of Military Justice that the foregoing is true and correct.

Executed on: 20 November 2023

Signature:

Mark Charles Bashaw

Mark Charles Bashaw
The Office of MARK C. BASHAW
FIRST LIEUTENANT (Unlawfully Discharged), United States Army

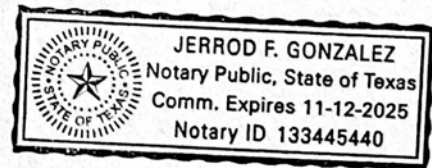
Texas State
Bexar County

On November 20, 2023 date before me, as Notary and as Jurat Certificate of Acceptance by court officer, Mark Charles Bashaw personally appeared and proved to me on the basis of satisfactory evidence to be the man whose Name is subscribed to the within attached instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his autograph on the instrument the man executed, the instrument.

I certify under PENALTY OF PERJURY under the lawful laws of Texas State and the STATE OF Texas that the foregoing paragraph is true and correct Witness my hand and official seal.

Signature
of Notary Republic

Jerrold F. Gonzalez seal



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Charles Hamilton
4400 Martin Road
Redstone Arsenal, AL
35898



78 01

2. Article Number (Transfer from service label)

7587 8718 5778 1181 59 48

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

- Agent
- Addressee

B. Received by (Printed Name)

[Handwritten Name: CHARLES ADAMS]

C. Date of Delivery

[Handwritten Date: 1-28-23]

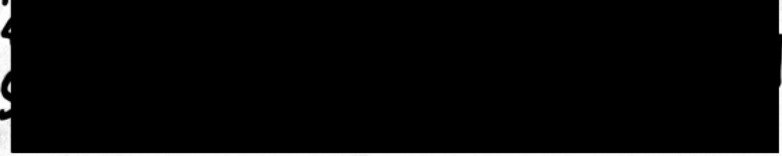
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Mail
Mail Restricted Delivery
(0)

Mark Charles Bashaw



Retail
RDC 03

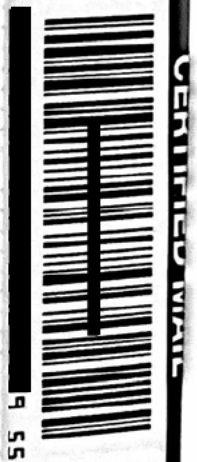


U.S. POSTAGE PA
PM
\$20.35
R2304M116639-2

Headquarters, U.S. Army Material CMD
Attn: Charles R. Hamilton
4400 Martin Road
Redstone Arsenal, Alabama 35898

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X</p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Charles Hamilton 4400 Martin Road Redstone Arsenal, AL 35898</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p>559 48</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

Mark Charles Bashaw



Retail
REGISTERED MAIL



RDC 03

Charles R. Hamilton
Quarters One
Redstone Arsenal, Alabama 35898

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Charles Hamilton
Quarters One
Redstone Arsenal, AL
35898



8 18

2. Article Number (transfer from service label)

5 9 5 5

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Signature Agent Address
- B. Received by (Printed Name) Address
- C. Date of Delivery
- D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- d Mail
- i Mail
- j Mail
- k Mail
- l Mail
- m Mail
- n Mail
- o Mail
- p Mail
- q Mail
- r Mail
- s Mail
- t Mail
- u Mail
- v Mail
- w Mail
- x Mail
- y Mail
- z Mail
- 5000

20 November 2023

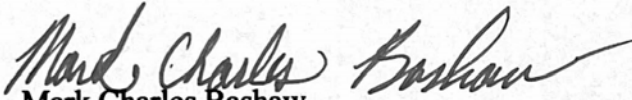
NOTICE

Dear General Hamilton,

I am submitting an Affidavit of Truth, regarding the UCMJ violations of MG ROBERT L. EDMONSON II. Senior Mission Commander, Aberdeen Proving Ground, for your General Court Martial Convening Authority (GCMCA) action. I have enclosed the Affidavit of Truth with this letter. I have also submitted one to your physical office location.

Additionally, I have enclosed a copy of "Defending the Constitution Behind Enemy Lines – A Story of Hope for those who love Liberty," Authored by Robert Green. Commander Robert Green, U.S. Navy, was a public witness at the court martial that MG Edmonson convened against me on 28 April 2022 (UNITED STATES v. 1LT MARK C. BASHAW, Case #20220213). Chapter 13 is of specific importance to the misconduct of MG Edmonson.

God Bless,



Mark Charles Bashaw

1LT MARK C. BASHAW (Unlawfully Discharged), U.S. Army

Enclosed:

Affidavit of Truth – Criminal Complaint

"Defending the Constitution Behind Enemy Lines," by Robert Green

20 November 2023

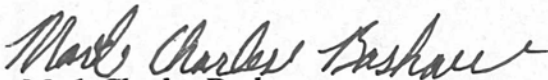
NOTICE

Dear General Hamilton,

I have submitted an Affidavit of Truth, regarding the UCMJ violations of MG ROBERT L. EDMONSON II. Senior Mission Commander, Aberdeen Proving Ground, for your General Court Martial Convening Authority (GCMCA) action. I have enclosed the Affidavit of Truth with this letter.

Additionally, I have enclosed a copy of "Defending the Constitution Behind Enemy Lines – A Story of Hope for those who love Liberty," Authored by Robert Green. Commander Robert Green, U.S. Navy, was a public witness at the court martial that MG Edmonson convened against me on 28 April 2022 (UNITED STATES v. 1LT MARK C. BASHAW, Case #20220213). Chapter 13 is of specific importance to the misconduct of MG Edmonson.

God Bless,



Mark Charles Bashaw

1LT MARK C. BASHAW (Unlawfully Discharged), U.S. Army

Enclosed:

Affidavit of Truth – Criminal Complaint

"Defending the Constitution Behind Enemy Lines," by Robert Green

DEPARTMENT OF THE ARMY
U.S ARMY HUMAN RESOURCES COMMAND
1600 SPEARHEAD DIVISION AVENUE, DEPARTMENT 240
FORT KNOX, KY 40122-5204

AHRC-OPH-PAA
Order: 619-179-SG28-2

28 June 2019

By order of the Secretary of the Army, BASHAW, MARK C., [REDACTED] 48, is appointed in the Regular Army Medical Service Corps under title 10, U.S.C., sections 531, 532, 533 and 3064, in the grade of First Lieutenant. The effective date of this Regular Army appointment is on the execution of the oath of office, and will **not** be executed prior to the assigned report date annotated on the accompanying assignment order. Any existing or Reserve appointment as a commissioned or warrant officer is vacated upon the acceptance of this appointment.

BY ORDER OF THE SECRETARY OF THE ARMY:

OSD Auth: 015068-18e

OSD Auth Date: 9 November 2018

PPN: MS

Format: 187



AVERY E. DAVIS
Chief, Division Support Branch

ENCL: DA71

DISTRIBUTION

1-USAREC/AMEDD

1-HRC / HSD

1-AHRC/OPH/PAA

1-HRC-PDR-R (AMHRR)

1-EA ACTIVE ARMY PSC/PSB

OATH OF OFFICE - MILITARY PERSONNEL

For use of this form, see AR 135-100, the proponent agency is ODCSPER

AUTHORITY: DATA REQUIRED BY THE PRIVACY ACT OF 1974
5 USC 3331, 552, 552a; 10 USC 10204.

PRINCIPAL PURPOSE: To create a record of the date of acceptance of appointment.

ROUTINE USES: Information is used to establish and record the date of acceptance. The SSN is used to identify the member. The date of acceptance of appointment is used in preparing statements of service and computing basic pay date.

DISCLOSURE: Completion of form is mandatory. Failure to do so will cause the appointment to be invalid.

INSTRUCTIONS

INDICATE THE APPOINTMENT FOR WHICH OATH IS BEING EXECUTED BY PLACING AN "X" IN APPROPRIATE BOX. REGULAR ARMY COMMISSIONED OFFICERS WILL ALSO SPECIFY THE BRANCH OF APPOINTMENT WHEN APPOINTED IN A SPECIAL BRANCH.

This form will be executed upon acceptance of appointment as an officer in the Army of the United States. Immediately upon receipt of notice of appointment, the appointee will, in case of acceptance of the appointment, return to the agency from which received, the oath of office (on this form) properly filled in, subscribed and attested. In case of non-acceptance, the notice of appointment will be returned to the agency from which received, (by letter) indicating the fact of non-acceptance.

COMMISSIONED OFFICERS	WARRANT OFFICERS
<input checked="" type="checkbox"/> REGULAR ARMY <u>Medical Specialist Corps</u> (Branch, when so appointed)	<input type="checkbox"/> REGULAR ARMY
<input type="checkbox"/> ARMY OF THE UNITED STATES, WITHOUT COMPONENT	<input type="checkbox"/> ARMY OF THE UNITED STATES, WITHOUT COMPONENT
<input type="checkbox"/> RESERVE COMMISSIONED OFFICER	<input type="checkbox"/> RESERVE WARRANT OFFICER

1. Mark Charles Bashaw
(First Name, Middle Name, Last Name)

[REDACTED] 0448
(Social Security Number)

having been appointed an officer in the Army of the United States, as indicated above in the grade of 02-E

do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter, SO HELP ME GOD.

[Signature]
(Signature - full name as shown above)

SWORN TO AND SUBSCRIBED BEFORE ME AT FORT SILL, OK

THIS 8 DAY OF September, 2019
(Day) (Month) (Year)

CEDRIC G. LEE, LTC, ADA, CMD
(Grade, component, or office of official administering oath)

[Signature]
(Signature)

FOR THE EXECUTION OF THE OATH OF OFFICE

1. Whenever any person is elected or appointed to an office of honor or trust under the Government of the United States, he/she is required before entering upon the duties of his/her office, to take and subscribe the oath prescribed by 5 USC 3331.

2. 10 USC 626 and 14309 eliminate the necessity of executing oath on promotion of officers.

3. The oath of office may be taken before any commissioned officer of any component of any Armed Force, whether or not on active duty (10 USC 1031), or before any commissioned warrant officer when acting as an adjutant, assistant adjutant, acting adjutant, or personnel adjutant in any of the Armed Forces (See UCM,

Article 136; 10 USC 936). A commissioned warrant officer administering the oath of office will show his/her title in the block to the left of his/her signature.

4. Oath of office may also be taken before any civil officer who is authorized by the laws of the United States or by the local municipal law to administer oaths, and if so administered by a civil official, the oath must bear the official seal of the person administering the oath, or if a seal is not used by the official, the official's capacity to administer oaths must be certified to under seal by a clerk or court or other proper local official.

DEFENSE EXHIBITS
ADMITTED



DEPARTMENT OF THE ARMY
ARMY PUBLIC HEALTH CENTER
BUILDING 8168
8252 BLACKHAWK ROAD
ABERDEEN PROVING GROUND MD 21610-6403

15 December 2021

MEMORANDUM FOR GCMCA OF CPT ALEXANDER MCCARTHY, APHC HHC
COMMANDER

SUBJECT: Formal Article 138 Complaint, Uniform Code of Military Justice

References: (a) Army Regulation 27-10 *Legal Services Military Justice*
(b) Army Regulation 600-20 *Army Command Policy*
(c) 10 U.S. Code § 1107a *Emergency use products*
(d) 21 U.S. Code § 360bbb-3 *Emergency Use of Medical Products*
(e) Nuremberg Code

1. I, 1LT Mark C. Bashaw, currently assigned to the Army Public Health Center as a Preventative Medicine Officer (67C/72B), Aberdeen Proving Ground, Maryland, make this formal complaint pursuant to Article 138 of the Uniform Code of Military Justice (UCMJ) and Army Regulation 27-10 reference (a). On 23 November 2021 through present day, CPT Alexander McCarthy, APHC HHC Commander, committed the following wrongs against me: discriminated based on my firmly held religious beliefs; disregard of established U.S. Code/laws; retaliation for an initial Article 138 Inquiry; retaliation based on the questions I have asked APHC leadership/CV19 Task Force, regarding Ivermectin, hydroxychloroquine, zinc, vitamin D, vitamin C, quercetin, and the Emergency Use Authorized (EUA) COVID19 vaccine deaths/adverse events (EXHIBIT A).

2. On 21 September 2021, I submitted religious accommodation to CPT McCarthy for all vaccinations due to my firmly held beliefs (EXHIBIT B & EXHIBIT C). My intent was to get an accommodation for all vaccinations even before the 24 August 2021 SECDEF Memo came out, mandating the FDA Approved COVID19 vaccine. Since that time, I found out the FDA Approved COVID19 vaccine labeled "Cominmaty" has not been produced and/or available to DOD Service Members. Currently, the only available COVID19 "vaccinations" are EUA and are subject to 10 U.S.C 1107a and 21 U.S. Code § 360bbb-3. These the same laws that govern all Emergency Use Authorized (EUA) products (vaccines, masks, tests).

3. On 23 November 2021, CPT McCarthy ordered me to self-procure and self-administer EUA rapid antigen SARS-CoV-2 tests. This test/screening was to start 30 November 2021 with a negative test/screening results no more than 72 hours prior to accessing my place of duty. On 24 November 2021, I informed CPT McCarthy that this was discriminatory and unlawful. CPT McCarthy then stated in an email "you are more than welcome to disagree with the order. Does this mean that you will likely refuse the weekly COVID testing?" Again, I stated that this order was discriminatory and unlawful (EXHIBIT D).

4. On 26 November, I submitted an Informal Article 138 Inquiry via email to see if CPT McCarthy was aware of the established laws and individual rights (EXHIBIT E). I did not receive a response back regarding the Inquiry, and I showed up to my place of duty to accomplish my responsibilities on 30 November 2021. Shortly after showing up to work, you ordered me to attend a counseling at your office later that day. At this time, I was notified that my security clearance was suspended by the Army Public Health Center's Director. I was ordered to turn in

DEFENSE EXHIBIT A for Identification

PAGE OFFERED: 209 PAGE ADMITTED: 214

PAGE 1 of 59 PAGES [Signature]

SUBJECT: Formal Article 138 Complaint, Uniform Code of Military Justice

my security badge. I was informed that I no longer have access to any APHC facilities. CPT McCarthy also informed me that he was going to restrict me from the installation. CPT McCarthy also initiated a flag with the "Adverse Action" box checked on my military personnel record and informed me of Article 92 UCMJ charges (EXHIBIT F). At the end of the counseling, I hand delivered CPT McCarthy an initial Article 138 complaint even though I already satisfied this requirement IAW AR 27-10 on 26 November 2021. I wanted the discrimination against myself and any others under his command to cease and desist. I also provided the EUA laws where it shows that an individual has the absolute right to refuse EUA products (vaccines, masks, and tests), regarding COVID19 (EXHIBIT F). On 6 December 2021, I was singled out again and counseled via DA FORM 4856 for not wearing a COVID19 EUA mask during the 30 November 2021 counseling (EXHIBIT F).

5. The testing/screening products that I was ordered to purchase (QuickVue, IntelliSwab, or BinaxNOW) are all under EUA for SARS-CoV-2. There are no FDA Approved masks, tests, or vaccinations available for COVID19. According to 10 U.S. Code § 1107a *Emergency use products*, for the administration of emergency use products, "individuals are informed of an option to accept or refuse administration of a product." This option to refuse or accept the COVID19 vaccination, testing, and masks NEVER occurred. The waiver authority for this requirement is the President of the United States, and that waiver needs to be in writing. There currently is no Presidential waiver for the mandatory use of EUA products, regarding COVID19. The EUA Pfizer "vaccine" labeled BioNTech is NOT FDA approved and IS legally distinct from FDA Approved Pfizer vaccine labeled Comirnaty (EXHIBIT G, pg. 9). Also, the EUA Pfizer BioNTech "vaccine" and FDA Approved Pfizer Comirnaty vaccine are NOT interchangeable with one another, according to Federal District Judge Allen Winsor (Doe et al. v. Austin). Importantly, the Nuremberg Code and Federal Law provide that no human being can be forced to participate in medical experiments. Emergency Use allows the FDA to authorize use of an experimental drug in an emergency, therefore, EUA products are experimental. Long term safety and efficacy of these products have NOT been proven. In fact, these current EUA "vaccinations" for COVID19 are DEADLY and DANGEROUS. There have been "19,886 cases where vaccine targets COVID-19 and patient died" and 946,463 adverse events from these EUA experimental COVID19 "vaccines," according to VAERS. As a Preventative Medicine Officer (67C/72B) it is my job to inquire about certain information regarding force health protection. My latest request to the APHC COVID19 Task Force asking if they would be changing their risk communication strategy to include the death and adverse reactions to the CV19 EUA "vaccinations" has gone unanswered since 25 October 2021 (EXHIBIT A).

6. Lastly, I have been serving active duty in the military for 16 years with 10 on those years overseas away from my family. I have never received any sort of punishment and don't have any derogatory information within my military records. However, that all changed on 30 November 2021 after I informed CPT McCarthy that the orders to segregate me based on my firmly held beliefs was blatant discrimination and unlawful. I find it despicable that I was retaliated against in such an egregious manner after I submitted an Informal Article 138 complaint IAW AR 27-10. After 16 years of faithful service, my record was destroyed. I will not tolerate soldiers being discriminated against based on race, color, sex, national origin, religion, or sexual orientation. Additionally, discrimination is a form of extremism, according to AR 600-20 chapter 4-12 a1. Secretary Lloyd Austin made it clear during the DOD Extremism Standdown that this type of activity will not be tolerated.

7. I respectfully request the following:

SUBJECT: Formal Article 138 Complaint, Uniform Code of Military Justice

a. Cease and desist all discrimination against me or any other individuals of firmly held religious beliefs and/or strong convictions against SARS-CoV-2 (COVID19) EUA "vaccinations" (mRNA gene therapy experiments), EUA testing products, EUA masks and/or vaccination products in general.

b. Cease and desist the unauthorized distribution of my personal medical information and anyone else's under your command.

c. Rescind the order to conduct COVID19 EUA testing until such a time that there is an available DOD-sourced supply of FDA-approved and licensed COVID19 tests for all personnel who provide Informed consent to participate in such testing.

d. Elevate this information to DOD and US Army leadership, military and civilian. That the leadership publishes clarification that there are no FDA approved and licensed COVID19 products (vaccines, masks, and tests) at this time.

e. DOD, DHA, Army MEDCOM, APHC, and Commanders update risk communication strategies for the EUA COVID19 injections to include "Death and other severe adverse side effects" and transparently communicate the message for the widest possible dissemination.

f. Remove the flag on my personnel record.

g. Coordinate with Army Public Health Center's Director to reinstate my Security Clearance.

h. Inform all personnel under your command of the EUA laws.

i. Ensure personnel are aware that FDA Approved Pfizer Comirnaty vaccines and the Pfizer EUA BioNTech "vaccines" are NOT interchangeable.

8. The point of contact for this request is the undersigned at [REDACTED] or [REDACTED].

[REDACTED]
MARK C. BASHAW
1LT, MS

Encls

EXHIBIT A – Affidavit of Fact (External Attachment)

EXHIBIT B – Religious Accommodation e-mail submission

EXHIBIT C – Religious Accommodation

EXHIBIT D – E-mail regarding discriminatory and unlawful order

EXHIBIT E – Article 138 UCMJ Initial Inquiry

EXHIBIT F – DA FORM 4856 masks/tests; Hand Delivered Article 138; EUA Laws

EXHIBIT G – FDA Fact Sheet

DISTRIBUTION:
GCMCA

AFFIDAVIT OF FACT

MARK CHARLES BASHAW

I, Mark Charles Bashaw, hereby declare as follows:

1. I am an active duty commissioned Officer in the U.S Army. I currently serve at the Army Public Health Center (APHC) at Aberdeen Proving Ground (APG), Maryland. I serve in the Preventative Medicine (67C) career field and my specialty is Entomology. My official duties include participating in fact-finding inquiries and investigations to determine potential risk to personnel from diseases caused by insects and other non-battle related injuries.

2. I received an Associates of Science in Environmental Studies through the Community College of the Air Force in 2010, a Bachelor of Science degree in Management Studies from the University of Maryland, University College in 2013, and a Master of Science in Entomology from the University of Nebraska Lincoln in 2018.

3. I enlisted in the U.S Air Force in January 2006 and currently have close to 16 years of total active federal military service. I have served tours overseas to include Japan, Republic of Korea, Germany and multiple deployments to Africa, Middle East, and Central America. I direct commissioned in the U.S Army Medical Service Corps in September 2019. I initially attended the Direct Commission Course at Fort Sill followed by the Basic Officer Leadership Course at Fort Sam Houston, TX. I was then stationed at the Army Public Health Center in January 2020.

While at the Army Public Health Center, I have successfully served as the HHC Company Commander from May 2020 to July 2021 and currently serve in the Entomological Science Division as an Entomologist.

4. On 29 July 2020, I sent an e-mail to the Army Public Health Center Director Mr. John Resta (since retired) and Dr. Raul Mirza. I asked the following: "if the Army Medical Community was looking at the efficacy of Hydroxychloroquine as a prophylaxis and/or potential treatment to fight COVID-19 within the Army?" The response was as follows, "the available literature in this area is in favor of Hydroxychloroquine NOT being a suitable treatment or prophylactic medication against SARS-CoV-2" (EXHIBIT B).

DEFENSE EXHIBIT A-1 for identification

PAGE OFFERED: 209 PAGE ADMITTED: 214

PAGE 1 of 65 PAGES

[Handwritten signature]
20 Apr 2021

5. On 8 September 2021, I attended a virtual Army Public Health Center Town Hall with the Director and Deputy Director of APHC. I posted as a guest in the chat box the following, "Is the Army and/or DoD discussing the efficacy of Ivermectin, HCQ, Zinc, Vitamin D, Vitamin C used as a solid therapeutic prophylaxis and/or treatment of CV19?" (EXHIBIT B). The verbal response that I received was that these are not effective and for individuals to just go get the COVID-19 "vaccines."

6. Throughout the rollout of these rushed COVID19 "vaccines," I was tracking on the Vaccine Adverse Event Reporting System (VAERS). I started to see the numbers and deaths climb. I knew something was wrong.

7. On 24 September 2021, I became aware of LTC Theresa Long's Affidavit.

8. On 25 September 2021, I sent an e-mail to the Army Public Health Center's COVID-19 Task Force titled, "COVID19 Vaccine Risks" (Exhibit C). In this e-mail, I provided paragraph # 36 of LTC Long's affidavit, a link to her affidavit, attached APHCs COVID19 Risk Communication Strategy (EXHIBIT D), and the current VAERS data at the time (15,386 cases where vaccine targets COVID-19 and patients died and 726,965 adverse side effects documented, as of 17SEP2021.)" I stated and asked the following, "attached is APHC's official risk communication strategy that was final as of 24 August 2021. I noticed Best of Practice talking point # 3 "Explain the known risks of not getting vaccinated." However, I didn't see a best of practice talking point about the "Known risks of getting vaccinated." Is this not contained within the document, or did I miss it? If not, why not? Is the Army looking into these adverse sides affects brought up above? Lastly, to date, how many Service Member has died from COVID19?" On 28 September 2021, the APHC COVID19 Task Force responded back. They only mentioned of minor side effects and stated, "If you have had a severe allergic reaction to other vaccines, ask your doctor if you should get a COVID-19 vaccine." There was no acknowledgement of LTC Long's affidavit, and they referenced the following, "Defense Health Agency, Immunization Healthcare Division tracks adverse events for those in the Military Healthcare System and those reported in CCIRs."

9. On 30 September 2021, I contacted Defense Health Agency Operations Center and asked the following question, "Is there a data base that you all use to track adverse events related to vaccination? If not, what is the DoD protocol for reporting vaccine adverse events?" (Exhibit E).
10. On 14 October 2021 at 0940EST, I asked for a status update on my initial inquiry of 30 September 2021 (Exhibit F).
11. On 14 October 2021 at 1254EST, I received a response from COL Tonya Rans the Chief, Immunization Healthcare Division, DHA-Public Health. She stated, "All adverse events following immunization need to be reported to CDC's Vaccine Adverse Event Reporting System (VAERS)" (EXHIBIT G).
12. On 25 October 2021, again, I contacted the Army Public Health Center's COVID-19 Task Force. I asked the following, "Will APHC be changing their CV19 Vaccine Risk Communication Strategy (24August2021) to include dangers such as Death and other Adverse Events from the vaccines for COVID19?" I also stated the following, "According to VAERS, to date there has been 17,128 cases where Vaccine targets COVID19 and Patient Died and 818,044 adverse events." (EXIBIT H). As of 3 December 2021, I have yet to receive a response in regard to my question, and APHC's "Risk Communication Strategy for Mandatory Vaccinations" is still posted in MilSuite, and unedited since 24 August 2021 (EXHIBIT I).
13. On 23 November 2021 at 1113, the APHC HHC Commander, called to inform me that I would now need to be COVID-19 Tested at least 1-2 times a week, according to Army FRAGO 10. I stated that this was unlawful. I felt as though I was being discriminated against. I also informed him that I didn't want my personal medical information floating around. I asked to be sent the Army FRAGO 10, and at 1515EST I received the FRAGO (EXHIBIT J).
14. On 24 November 2021, via e-mail, I stated that this FRAGO was unlawful and blatant discrimination against my firmly held beliefs in a response to the HHC Commander (EXHIBIT K.)
15. On 26 November 2021, I sent an initial Article 138 initial inquiry IAW AR 27-10 to the HHC Commander via e-mail. My intent of the initial redress was to know if he was aware of the

EUA laws that govern emergency use products, and to know if he was merely conveying these orders (EXHIBIT L).

16. On 29 November 2021, the HHC Commander sent me another e-mail stating, I must test for COVID-19 or telework. I responded with the following, "Per AR 27-10 you have 13 more days to respond to my Informal Article 138 Inquiry that was sent 26NOVEMBER2021 (Attached). These orders are unlawful. This is blatant discrimination based on my firmly held beliefs. I will be reporting for duty in the morning at building E5800. The duties I conduct are on site."

17. On 29 November 2021 at 1429 EST, my Department of the Army Civilian Supervisor called to inform me that she was made aware I was unvaccinated against COVID-19 and was also aware that I had a Religious Accommodation pending. She explained that because of these facts, I was to get tested in the morning before showing up to work. I told her that I didn't appreciate the fact that my personal medical information was floating around outside the authorized channels. I also stated that I felt I was being discriminated against and this was unfair. She completely understood my position and stated that she was simply relaying a message. I told her that I would see her in the morning when I arrive on site to perform my duties prior to ending the phone call.

18. On 30 November 2021 at 0915EST, I arrived at Aberdeen Proving Ground, Army Public Health Center to perform my duties. I did not participate in EUA testing/products.

19. On 30 November 2021 at 0921EST, the HHC Commander called to ask if I was on base working. I stated, I was at the Entomological Science Division building performing my duties. A short while later, the HHC Commander texted me to inform me of a counseling at 1430EST in his office.

20. On 30 November 2021 at 1430EST, I showed up to the HHC Commander's office. The following witnesses were present: LTC Dennis Rufolo, 1SG Phillip Tally, SGT Alexis Danenhower. The commander counseled me via DA FORM 4856 (Exhibit N). After he read the counseling off, he then verbally asked if I would now follow the order to get tested. I stated, "This is not a lawful order." He asked again, and I responded the same. He then ordered me to turn in my security access badge and informed me that the Army Public Health Center Director,

COL Alisa Wilma had suspended my security clearance. I handed the security badge over and then proceeded to read off a hand delivered version of the initial Article 138 informal redress request and the EUA laws (EXHIBIT O). I left with an unsigned copy of the DA FORM 4856. The following day the HHC Commander sent me the adverse action FLAG (EXHIBIT P) and a signed version on the counseling DA FORM 4856.

21. On 6 December 2021, the HHC Commander contacted me via e-mail to inform me that I was to be counseled about not wearing a mask during the 30 November 2021 counseling session described above. The counseling was telephonic, and the HHC Commander sent over the DA FORM 4856 prior to the phone call (EXHIBIT R) Upon completion of the counseling, I sent over comments in regard to the counseling sessions that occurred on 12 September 2021, 30 November 2021, and 06 December 2021 (EXHIBIT S). Again, I provided the established laws that govern EUA products within the comments.

22. On 8 December 2021, the HHC Commander e-mailed to ask me the following, "could elaborate in more detail about the claim of discriminating against you as well as the harassment with phone calls." I responded with the following, "Based on my firmly held beliefs I've been singled out, harassed, and discriminated against. My personal medical information was shared outside the authorized chain of command. I've been ordered to take a test that an individual has the absolute right to refuse, per the law. I was never given an option, nor informed consent. I made this clear. I inquired and requested redress on multiple occasions. I was then continuously singled out, and then counseled. I was then stripped of my security clearance, access to place of duty, records flagged, and charged with Article 92 all because of my firmly held beliefs. I am also trying to ensure adherence to the established EUA laws. None of this is lawful. Again, I respectfully request IAW 27-10. Thank you." He sent a follow e-mail asking the following, "1LT Bashaw, Thank you. Can you elaborate on how you believe the few phone calls were harassment?" I responded with the following, "HHC Commander, my complaint is as follows and has been since 26NOV21. I am being blatantly discriminated against based on my firmly held beliefs. I also cannot comply with an unlawful order. Respectfully, I am requesting to be redressed IAW 27-10 in regard to the initial Article 138 request that was sent on 26NOV21. I understand that you acknowledged receipt of that email on 01DEC21. On 06DEC21, again, I was discriminated against. Actions were taken against me via DA FORM 4856 and Article 92.

However, this is not a lawful order. I have been transparent throughout. I don't want to be singled out or treated any different, based on my religious views. Would you be willing to remove the FLAG on my record?" (EXHIBIT T & EXHIBIT U)

23. Again, on 8 December 2021, my access to the Army vpn on my government-issued laptop and internet stopped working. I lost access to sending and receiving e-mail via my .mil account. I notified the HHC Commander of this on 9 December 2021 and gave him an alternate personal e-mail account in which he could email any correspondence (EXHIBIT V).

24. As of today, 9 December 2021, I am still awaiting initial redress response IAW 27-10.

OPINION

25. I feel like this is complete reprisal, harassment, and discrimination against me. I was extremely transparent with the HHC Commander in regard to my complaint and request for redress through the 26 November to 30 November 2021. Instead, my security access to my place of duty was revoked, my security clearance was suspended, my record was flagged, my access to the APG was restricted, and I am being charged/threatened with an Article 92, Failure to Obey an Order.

26. I also can't help but think that my questions in regard to COVID-19 therapeutic treatments and deaths/adverse reactions to the COVID19 "vaccines" might have spurred on such aggressive retaliation against me.

27. My job as a medical health professional is to protect our service members at all costs. I will never leave a brother or sister on the battlefield. I will never subject my brothers or sisters to unnecessary risk. It is my absolute conclusion that the COVID19 "vaccines" are a serious danger to our Service Members, and this MUST be transparently communicated far and wide!

STATUS

26. As a man, I am a creation of God-Almighty and a follower of God's laws first and foremost, and the laws of man when they are not in conflict (Leviticus 18:3,4). Pursuant to Matthew 5:33-37 and James 5:12, let my yea be yea, and my nay be nay, as supported by Federal

Public Law 97-280, 96 Stat. 1211 - "Whereas the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people" and "Whereas Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States" and "Whereas the Bible is "the rock on which our Republic rests." I will never be bullied into sacrificing my personal beliefs. As an Officer in the U.S Army, I will always stand up for what is right, and honor my Oath of the Constitution.

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: December 9, 2021

Respectfully submitted,


Mark C. Bashaw, 1LT/MS

APPENDIX A



DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY COMMUNICATIONS-ELECTRONICS COMMAND
BUILDING 6002
6585 SURVEILLANCE LOOP
ABERDEEN PROVING GROUND MARYLAND 21005-1845

AMEL-CG

JUN 27 2022

MEMORANDUM THRU

Commander, U.S. Army Garrison, Aberdeen Proving Ground, Aberdeen Proving Ground, Maryland 21005

Director, U.S. Army Public Health Center, Aberdeen Proving Ground, Maryland 21010

FOR 1LT MARK C. BASHAW, 014-68-0448, HHC, United States Army Public Health Center, United States Army Medical Command, Aberdeen Proving Ground, Maryland 21010

SUBJECT: Initiation of Elimination

1. You are required to Show Cause for retention on Active Duty under the provisions of AR 600-8-24 due to your Misconduct, moral or professional dereliction and derogatory information filed in your Army Military Human Resource Record. I am initiating this Show Cause action against you.
2. My actions are based upon the following specific reasons for elimination: Per AR 600-8-24, Paragraph 4-2, you were convicted by court-martial on 29 April 2022, for failure to obey lawful orders.
3. In conjunction with this action, a Suspension of Favorable Personnel Actions Flag (DA Form 268) has been initiated according to AR 600-8-2.
4. You may either have the assistance of a Judge Advocate General's Corps attorney appointed as counsel or seek civilian counsel of your own selection (obtained by you at no expense to the Government) to prepare a written statement indicating any pertinent facts or any rebuttal bearing on the question of your elimination.
 - a. This statement may be sworn or unsworn.
 - b. Documents submitted in rebuttal must be legible and reproducible.
 - c. You may confer with your counsel for legal advice concerning your options stated in paragraph 5 below.
5. In accordance with AR 600-8-24, Paragraph 4-20, you may:

AMEL-CG

SUBJECT: Initiation of Elimination, 1LT Mark C. Bashaw, 014-68-0448, HHC, APHC, Aberdeen Proving Ground, Maryland 21010

a. Submit a rebuttal with all supporting documentation to show how you have either successfully overcome the reason for the Show Cause Proceeding or a statement explaining your past actions/behavior.

b. Submit your request for resignation in lieu of elimination according to AR 600-8-24, Chapter 4. The request may not include an effective date since the effective date will be determined IAW AR 600-8-24, Paragraph 4-5.

c. Apply for retirement in lieu of elimination if otherwise eligible, according to AR 600-8-24, Chapter 4 and Chapter 6 (must specifically state that your application for retirement is submitted in lieu of elimination). The effective date of retirement will be (for officer with 20 years or more of Active Federal Service (AFS) & for officer with minimal of 19 years and 6 months of AFS but less than 20 years of AFS) no later than two full months from final adjudication of request or at the 20 year-mark whichever is later.

(1) Along with your retirement in lieu of elimination, you may submit matters for the Army Grade Determination Review Board because your retirement in lieu of elimination, Army Military Human Resource Record, Officer Record Brief, and the derogatory information, will be forwarded to the Army Grade Determination Review Board under the provisions of Army Regulation 15-80. The board will make a recommendation to the Deputy Assistant Secretary (Department of the Army Review Boards), who will make a final determination as to the highest grade in which you have served satisfactorily for retirement purposes.

(2) You may not appear before the Board. If you elect to submit written materials, they must be attached to your request for retirement in lieu of elimination.

(3) You have the right to consult with an attorney of the Judge Advocate General's Corps or seek private civilian counsel at no expense to the Government.

d. If a discharge Under Other Than Honorable Conditions is recommended, you may request appearance before a Board of Inquiry.

6. You must acknowledge receipt of this notice in writing and exercise one of the available options in Paragraph 5 above no later than 30 days from receipt of this action.

7. Your acknowledgement should be in the format provided in AR 600-8-24, Figure 2-4. You will include your respective election from paragraph 5 above as an enclosure to your acknowledgment. Your request must be staffed through your chain of command

AMEL-CG

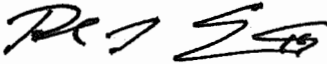
SUBJECT: Initiation of Elimination, 1LT Mark C. Bashaw, 014-68-0448, HHC, APHC, Aberdeen Proving Ground, Maryland 21010

and endorsed by your respective GOSCA prior to staffing to the Human Resources Command (AHRC-OPD-A) for final processing.

8. I am recommending you to be discharged with a General discharge. Based on my recommendation of a General Discharge, your case will be forwarded directly to Human Resources Command for submission to Deputy Assistant Secretary of the Army (Department of the Army Review Boards), without referral to a Board of Inquiry. If an Under Other Than Honorable Conditions discharge is recommended and you do not submit a resignation in lieu elimination or request to retire in lieu of elimination, your case must be referred to a Board of Inquiry, though your presence at that proceeding is optional. The least favorable discharge characterization you may receive is an Under Other Than Honorable Conditions. The final decision on the type of discharge will be determined by HQDA for all officers.

9. You may be required to undergo a medical examination to assess the potential effects of Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI) on the circumstances of your separation. This examination is required if you have been deployed overseas in support of a contingency operation in the past 24 months and have been diagnosed with PTSD or TBI. If you have not been diagnosed with PTSD or TBI stemming from deployment, but believe such a condition exists, you must inform your chain of command immediately.

Encls


ROBERT L. EDMONSON II
Major General, USA
Commanding