

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION

MAR 27 2024

PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC  
BY MLB DEP CLK

No. \_\_\_:\_\_\_-CV-\_\_\_-\_\_\_

MICHAEL J. FORBES,  
614 Northampton Rd.,  
Fayetteville, N.C., 28303, pro se.

*Plaintiff,*

v.

THE UNITED STATES ARMY,  
Christine E. Wormuth  
Secretary of the Army  
101 Army Pentagon,  
Washington, D.C., 20310

*Defendant.*

MEMORANDUM IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
EMERGENCY INJUNCTIVE RELIEF

This 19<sup>th</sup> day of March 2024.

**Memorandum in Support of Plaintiff's Motion for Emergency Injunctive Relief from the U.S Army  
Qualitative Management Board**

**THE SHOOTING THAT LAUNCHED A 'THOUSAND STUDIES'**

Although the Army's Suicide Prevention Program dates back to 1984,<sup>1</sup> little has been done to identify the root causes of suicide; a challenging task due to the idiosyncratic nature of suicidality. Hence, most Congressional requirements (through 2009) have focused on reactive approaches.<sup>2</sup> But after the Fort

<sup>1</sup> Clark-Sestak, Susan L., David R. Graham, James M. Bishop, Sarah E. Butterworth, Caroline R. Earle and Alexandra M. Saizan "Appendix A.: History of the Services' Suicide Prevention Programs" from "Strengthening the Contributions of the Defense Suicide Prevention Office to DOD's Suicide Prevention Efforts", Institute for Defense Analyses (Nov. 1, 2016), *online at*: <https://www.jstor.org/stable/resrep22838.12>.

<sup>2</sup> See Fig. 4.1a., "Integrating People and Training – Considerations and Concepts," *People First Task Force*, 2022, <https://api.army.mil/e2/c/downloads/2022/08/18/5be2ea41/22-06-672-people-first-task-force-handbook.pdf>.

Hood shooting in November 2009<sup>3</sup> the Army pivoted to pursuing proactive approaches, but in unlawful ways, negatively impacting soldiers' lives.

### **DISREGARDING THE IMPACTS OF LAWS THAT IMPACT INFORMATION FLOW**

This 2009 shooting led to high-level discussions, contracted outside studies, internal task force reports, and the 2010 first annual Department of Defense Suicide Event Report (DoDSER).<sup>4</sup> Since 2009, published findings centered on the idea of evidence-based holistic leader intervention for the identification of mental health concerns and to battle the 'stigma' of Soldiers who seek help.<sup>5</sup> The Fort Hood shooting "raised questions about how better to prevent workplace violence and identify insider threats"<sup>6</sup> and spawned a series of responses and studies, including (but not limited to):

1. "Defense Secretary[,] Robert M. Gates[,] established the DoD Task Force on the Prevention of Suicide for an "Independent Review related to Fort Hood, (2009),"<sup>7</sup>
2. Defense Secretary Gates chartered the DoD Task Force on the Prevention of Suicide by Members of the Armed Forces<sup>8</sup> in August 7, 2009,

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<sup>3</sup> See Rempfer, Kyle "The mass shooting at Fort Hood was 10 years ago" *Army Times*, (November 5, 2019, online at: <https://www.armytimes.com/news/your-army/2019/11/05/the-mass-shooting-at-fort-hood-was-10-years-ago-on-nov-5-2009/>).

<sup>4</sup> A better historical rendition is provided here, "Chapter Four, Suicide Prevention in the Department of Defense," *The War Within: Preventing Suicide in the U.S. Military*, (RAND Corporation, 2011), p. 61-84. <https://www.jstor.org/stable/10.7249/mg953osd.12>.

<sup>5</sup> Britt, Thomas W., PhD, "The Stigma of Mental Health Problems in the Military" *Military Medicine* (2007) 172, 2:157 online at: <https://academic.oup.com/milmed/article/172/2/157/4578015>.

<sup>6</sup> See Lopez, C. Todd "Prevention Assistance and Response Program Advances with Recent Training," *DoD News* (August 11, 2023) online at: <https://www.defense.gov/News/News-Stories/Article/Article/3491083/prevention-assistance-and-response-program-advances-with-recent-training/>.

<sup>7</sup> See West, Togo D., Jr., Vern Clark "Protecting the Force: Lessons from Fort Hood" (Report of the DoD Independent Review), *Department of Defense* (January 15, 2010) online at: <https://archive.org/details/ProtectingTheForceLessonsFromFortHood>.

3. the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD (AT&L)) chartered and co-sponsored the Defense Science Board's (DSB) Task Force on Predicting Violent Behavior that produced a report entitled "Predicting Violent Behavior,"<sup>9</sup> a salient admission of the DoD' growing intentions and the premise of this expedited motion.

The Defense Science Board (DSB) Task Force proclaimed independent advice in support of evidence-based, holistic approaches and, notably, issued a preliminary warning in the report and to the Chairman of the DSB Task Force in August 2012, as follows:

*"The General Counsel, collaboratively with other elements of the Department, develop clear and comprehensible guidance to provide better understanding to supervisors/commanders of actual (as opposed to perceived) limitations on sharing of information:*

1. Review the **impact of privacy rules including those under the Privacy Act and HIPAA**. If adverse impacts to the necessary flow of information are found, DoD should (1) **take steps to mitigate those impacts**, and, if found necessary (2) **advance corrective legislative proposals**." (emphasis added)<sup>10</sup>

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<sup>8</sup> See abstract "DoD Task Force on the Prevention of Suicide by Members of the Armed Forces," *PR Newswire.com* (August 23, 2010), *online at*: <https://www.prnewswire.com/news-releases/joint-dod-task-force-releases-report-on-preventing-suicide-in-us-military-101313419.html>. Also see "Executive Summary of the DoD Task Force on the Prevention of Suicides in the Armed Forces" (August 20, 2010) *archived online at*: [https://web.archive.org/web/20111113205549/http://www.health.mil/dhb/downloads/TaskForce2010/Suicide%20Prevention%20Task%20Force\\_EXEC%20SUM\\_08-20-10%20v6.doc](https://web.archive.org/web/20111113205549/http://www.health.mil/dhb/downloads/TaskForce2010/Suicide%20Prevention%20Task%20Force_EXEC%20SUM_08-20-10%20v6.doc)

<sup>9</sup> "Predicting Violent Behavior," *Defense Science Board* (August 2012) *online at*: <https://irp.fas.org/agency/dod/dsb/predicting.pdf>.

<sup>10</sup> *Ibid*.

But then the DSB Task Force destroyed its own logic in the former comment with the latter comment. Paraphrased, they are effectively saying, ‘if the assessed impact of Privacy Laws inhibits a Commander from getting personally-identifiable, evidence-based data on a Soldier from all the sources available, break the law, and only if necessary attempt to change the law later.’ In other words, the DSB Task Force recommends ‘side-stepping’ certain laws for the purported sake of suicide prevention.

### **COMMUNAL DATA GATHERING AND REFERRAL**

This document also codifies previously published Strategic Initiatives from the DoD Task Force on the Prevention of Suicide by Members of the Armed Forces in 2010, which stated, “Optimize and coordinate community-based services [largely for non-clinically originated referrals]<sup>11</sup> to leverage their capabilities to enhance protective factors for Service Members.”<sup>12</sup> Some of the questions that come to mind from this include: ‘Which community-based services can report that a Soldier is a suicide risk?’, ‘Does HIPPA and the Privacy Act apply at all?’ and, ‘What does a non-medical care provider (i.e. financial) know what to do with a Suicidal Soldier?’

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<sup>11</sup> For a definition of ‘community-based,’ see “Strategic Initiative 3B: Recommendation 41-44” *DoD Task Force on the Prevention of Suicide by Members of the Armed Forces* (2010), online at: <https://sprc.org/online-library/the-challenge-and-the-promise-strengthening-the-force-preventing-suicide-and-saving-lives/>.

<sup>12</sup> “Improving cross-communication, coordination, and cooperation between and among “helping agencies” and “helping people” would greatly enhance comprehensive suicide risk reduction and improve our ability to intervene effectively.” – *from*: Ibid, at 7.3.2

## JUMP FORWARD

In attempting to answer these questions one must jump forward to the People First Task Force of 2022; these non-clinical personnel serve as a referral source to Commanders and Clinical Psychologists with negative second and third orders of effects on the surveilled and referred Soldiers. It is a feeder system or, as the People First Task Force (2022) purports, a spider web<sup>13</sup> made up of supervisors, non-clinical technicians (financial, physical therapy, resilience) counselors, physicians, psychologists, chaplains, spouses, children, and friends. They want to “[u]pdate insider threat training and related materials to provide definitions and examples of prohibited extremist activities and to *expressly encourage early reporting of potential problem.*” (emphasis added, as this does not state ‘self-reporting’)<sup>14</sup>

How will this “continue to build a united, disciplined fighting force?”<sup>15</sup> Soldiers/family members reporting other Soldiers/family members; all occurring without evidentiary due process, which could erode the “united” outcome researchers seek. In fact, it could fracture the Army, or worse yet, produce ‘false positive’ results that could turn into the negative outcomes typically found in “like-minded,” or “group-think” decisions by a self-determined predominant class of society. These obvious potential pitfalls are not addressed by the Task Force.

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<sup>13</sup> “SECTION 4-1. PREVENTION CONTINUUM . . . The spider web is a concept to incorporate into individual analysis or as part of a counseling tool for subordinates. Although the measures may be subjective, the components of the individual strands represent historical friction areas where Soldiers struggle. The spider web is also a launching point for an incremental improvement plan, addressing one string at a time in a larger effort to holistically improve resilience.” - from: Fig. 4.1d., “Integrating People and Training – Considerations and Concepts,” *People First Task Force*, 2022, <https://api.army.mil/e2/c/downloads/2022/08/18/5be2ea41/22-06-672-people-first-task-force-handbook.pdf>

<sup>14</sup> See “Recommendation 12, “Prohibited Extremist Activities in the U.S. Department of Defense” *Institute for Defense Analyses* (December 27, 2023), online at: <https://www.ida.org/-/media/feature/publications/p/pr/prohibited-extremist-activities-in-the-us-department-of-defense/p-33076.ashx>.

<sup>15</sup> See *Ibid.* at “Recommendation 2.

## JUMP BACK

Moving back to the next significant event after the Defense Science Board's report, Public Law 112-239 Section 582 was enacted by Congress as part of the National Defense Authorization Act of 2013; it prescribed a, "COMPREHENSIVE POLICY ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES,"<sup>16</sup> including a goal of integrating "mental health screenings and suicide risk and prevention for members into the delivery of primary care for such members."<sup>17</sup> This means that Congress now permits the recruitment of Primary Care Physicians to inquire about suicidal ideations in Soldiers. This could strengthen what has come to be an unlawful practice of now using non-clinicians; this Soldier softening technique could be a powerful desensitization tool. A Soldier might fleetingly think, 'If the Doc was asking, then it must be legit when my Chaplain or Financial Counselor asks too.'

In 2020 DoD Policy crafted an updated suicide prevention program<sup>18</sup> with an instruction that states, "It is DoD policy that the DoD: ... Foster a command climate that:... Protects the privacy of personnel seeking or receiving treatment relating to suicidal behavior, consistent with applicable standards,... This includes data collected over the *course of suicide prevention*, intervention, and postvention (sic) activities." (emphasis added)<sup>19</sup> That said, by collecting personally-identifiable research data without informed consent, they are using one law to break many others. Troops do not know what is being done with their answers to loaded questions or the ramifications (including separation)<sup>20</sup> of their 'implied consent' to go

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<sup>16</sup> See Pub. Law 112-239 § 582.

<sup>17</sup> See Ibid at (b)(9).

<sup>18</sup> See DoDI 6490.16, *Defense Suicide Prevention Program* (November 6 2020, most recent revision) online at: [https://www.dspo.mil/Portals/113/Documents/DoDI%206490.16%20Defense%20Suicide%20Prevention%20Program\\_15June2020%20.pdf?ver=2020-07-06-101216-977](https://www.dspo.mil/Portals/113/Documents/DoDI%206490.16%20Defense%20Suicide%20Prevention%20Program_15June2020%20.pdf?ver=2020-07-06-101216-977).

<sup>19</sup> See Ibid. at 1.2, b.(3).

<sup>20</sup> See DTM-19-008, Appendix 3 2., d., (3), (c) "Administrative Separation Procedures for Service Members No Longer in and Entry Level Status," of memorandum entitled, *Directive-type Memorandum (DTM) 19-008* (March 8,

along with the Commanders' unlawful orders. Troops do not even know they should ask because it is the Army's responsibility to *inform them* of their choices.

### THE HOOK

Since these two task forces published their respective reports, multiple shootings in America have led to even more studies; including a 2017 Pew Research report,<sup>21</sup> which identified a rare agreement between diametrically opposed sides of the gun control issue. Per the Pew study, 89% of those questioned (including both gun owners and non-gun owners),<sup>22</sup> as well as 88% of the surveyed members of the USA's two largest political parties (Republican and Democrat),<sup>23</sup> all agree that "Preventing the mentally ill from purchasing guns" is important.

Given the loud cries for added mental health resources in our news today, it appears that the pro-gun-control lobby may have seized upon this rare agreement, thereby leveraging the recommendations from the Suicide Prevention Response Independent Review Committee in early 2023 (described later), to serve as a "Dog Whistle."<sup>24</sup> After all, getting one's opposition to condone third-party mental acuity adjudication of anyone who *could* own guns (which is nearly the entire adult U.S. population!) could be powerful. After the 2017 Pew study, the American Public Health Association produced a 2018 policy statement

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2023), online at: <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dtm/DTM-19-008.PDF?ver=mcaHzlX7NXViQJpnpv6wiA%3D%3D>.

<sup>21</sup> "America's Complex Relationship with Guns" *PewResearch.org* (2017) online at: <https://www.pewresearch.org/social-trends/2017/06/22/americas-complex-relationship-with-guns/>.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> "**Dog-Whistle Politics:** An extreme version of reductionism and sloganeering in the public sphere, a contemporary fallacy of logos and pathos in which a brief phrase or slogan of the hour, ... "Gun Violence", "Gun Control"... is flung out as "red meat" or "chum in the water" that reflexively sends one's audience into a snapping, foaming-at-the-mouth feeding-frenzy." – from "Master List of Logical Fallacies" *University of Texas at El Paso*, online at: <https://utminers.utep.edu/omwilliamson/ENGL1311/fallacies.htm>.

advocating for “Reducing Suicides by Firearms” declaring it a “public health problem,”<sup>25</sup> citing “a number of international studies” to promote its “Evidence-Based Strategies to Address the Problem.”<sup>26</sup>

This is one of the claimed evidence-based solutions they state:

*Decreasing access to firearms is likely to reduce suicide in the United States overall because firearms are the most commonly used method, consistent with their ubiquity in certain regions of the country (personal gun ownership is estimated to be as high as 25% in the South) and high case fatality rate (92% versus 78% for hanging and lower percentages for other methods).*<sup>27</sup>

Using the hook of suicide prevention, anti-gun proponents may have injected the fear of suicide to justify the military’s unlawful decisions to mandate informal psychological referrals. But why?

All of this is being done because the Intelligence Community “assesse[d] that lone offenders or small cells of DVEs [Domestic Violent Extremists] adhering to a diverse set of violent extremist ideologies are more likely to carry out violent attacks in the Homeland than organizations that allegedly advocate a DVE ideology.”<sup>28</sup> It is fair to say that the intelligence community provides the ammunition necessary for other agencies and researchers to promote Soldiers to submit to mandatory subjective assessments from clinical and non-clinical personnel and intrusively mandated texts and phone calls from their supervisors, to

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<sup>25</sup> See “Reducing suicides by firearms” *APHA.org* (American Public Health Association, November 13, 2018), online at: <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2019/01/28/reducing-suicides-by-firearms>.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> See “Executive Summary: Domestic Violent Extremism Poses Heightened Threat in 2021,” *Office of the Director of National Intelligence* (March 1, 2021), online at: [https://www.dhs.gov/sites/default/files/publications/21\\_0301\\_odni\\_unclass-summary-of-dve-assessment-17\\_march-final\\_508.pdf](https://www.dhs.gov/sites/default/files/publications/21_0301_odni_unclass-summary-of-dve-assessment-17_march-final_508.pdf).



search for evidence of extremism as well as suicidal/homicidal ideations as, “DVE [domestic violent extremist] attackers often radicalize independently.”

### **SCOPE CREEP AND EXTREMISM**

Evidence-based research programs designed to identify extremists, could easily become what RAND Corporation identified and warned the Department of Defense about in 2021, “scope creep;”<sup>29</sup> which can occur “when implementing policies designed to reduce the risk of extremism in the military.”<sup>30</sup> I contend it can happen with all supposedly evidence-based research programs. Oddly, RAND warned of ‘scope creep’ as they concurrently recommended a buffet of communal-based and invasive solutions that the Secretary of Defense can use such as providing “general guidance on how to break cycles of outrage and hate and to manage personal relationships with *any friends or relatives* who hold extremist views or are involved in violent extremist groups.”<sup>31</sup> Notably, some extreme recommendations emerged; RAND Corporation also endorsed social-media monitoring<sup>32</sup> and the Defense Personnel Security Research Center endorsed peers reporting on peers’ personal online persona activities (peer reporting was previously only mandatory for work behavior directly associated with national security guidelines).<sup>33</sup>

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<sup>29</sup> See “Cautionary Points on Implementation,” *Reducing the Risk of Extremist Activity in the U.S. Military*, (RAND Corporation, September 2021), *online at*: [https://www.rand.org/content/dam/rand/pubs/perspectives/PEA1400/PEA1447-1/RAND\\_PEA1447-1.pdf](https://www.rand.org/content/dam/rand/pubs/perspectives/PEA1400/PEA1447-1/RAND_PEA1447-1.pdf).

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> See: *Schechter, O.G., E.L. Lang, C.R. Keibler* “Cyber Culture and Personnel Security Report II - Ethnographic Analysis of Second Life,” *ResearchGate.net* (July 2011), *available at*: [https://www.researchgate.net/publication/292651636\\_Cyber\\_culture\\_and\\_personnel\\_security\\_Report\\_II\\_-\\_ethnographic\\_analysis\\_of\\_second\\_life](https://www.researchgate.net/publication/292651636_Cyber_culture_and_personnel_security_Report_II_-_ethnographic_analysis_of_second_life).

So, if the non-clinical staff determine (subjectively) that a Soldier's behavior deviates from their recorded baseline of behavior in their personal lives, these embeds report the Soldier's behavior to the Commander and Psychologist, which can lead to questions about lethal means and further gives the Commander the right to document or even confiscate the Soldiers firearms. All based on the subjective opinions elicited from coerced, unlawful, and warrantless mandatory meetings with ill-informed (unwitting) Soldiers.

The problem is found in the following statements: If the "commanders and health professionals have reasonable grounds to believe the Service [M]ember (sic) is at risk of suicide or causing harm to others . . . .,"<sup>34</sup> then, the Command can order a 'removal of lethal means' decision.<sup>35</sup> This is a problem because the decision would be based on a mental health surveillance program that contravenes federal laws to coercively gather mental health data on lawful Soldiers (to wit, a captive audience under oath to follow orders). To permit commanders to take away the civil rights of a soldier in this way is a dangerous precedent because it occurs even before the possibility of a probable cause determination.

### **THE FAUX 57%**

Once these mandatory meetings begin, the faux arguments for the inflated success of these invasive techniques can be made based on increased intervention rates through mandated pilot, "proof-of-concept,"<sup>36</sup> holistic healthcare research programs; all while quietly violating the Civil Liberties and Rights of Soldiers. This proof-of-concept persuasion technique has been used throughout our Nation's military

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<sup>34</sup> See DoDI 6490.16, *Defense Suicide Prevention Program* (November 6 2020, most recent revision), Ch. 3.2, d "Guidance," online at: [https://www.dspo.mil/Portals/113/Documents/DoDI%206490.16%20Defense%20Suicide%20Prevention%20Program\\_15June2020%20.pdf?ver=2020-07-06-101216-977](https://www.dspo.mil/Portals/113/Documents/DoDI%206490.16%20Defense%20Suicide%20Prevention%20Program_15June2020%20.pdf?ver=2020-07-06-101216-977).

<sup>35</sup> See *Ibid* para. 3.3, "Procedures in cases of danger to self or others"

<sup>36</sup> See "Proof of Concept" *Merriam-Webster.com*, online at: <https://www.merriam-webster.com/dictionary/proof%20of%20concept>.

history with physically and mentally detrimental experiments on Soldiers; of which, “the exact numbers may never be known.”<sup>37</sup> Many Soldiers volunteered after being lied to, or not being told the whole truth.

It doesn’t stop there. They are replicating this mandatory Psychologist meeting for ascension at lower ranks today; this is being coined and seeded amongst the enlisted ranks in the Army<sup>38</sup> as being a “culture of talent assessments.”<sup>39</sup> The Center for the Army Profession and Leadership (CASAL), in their most recent Annual Study of Army Leadership, published in July, 2022, stated, “In line with the Army's push to build a culture of assessment (Army People Strategy, 2019), more than half of uniformed leaders (57%) report completing standardized assessments, a significant increase from FY21 (AC +19%;RC +17%).”<sup>40</sup> Their touted success in getting these psychological assessments is based on a mandate, not a choice; most will not question since, ‘if you want to ascend, you better comply!’

### **ARMY STUDIES THE ISSUE OF SUICIDE**

The Army’s ‘evidence-based,’ holistic-health roll-out is no different than the aforementioned historical Army experiments. After the steady stream of multiple Task Force appointments, circa 2009, there has been no shortage of DoD chartered commissions to support evidence-based program concepts. Most seek to use Commander-mandated clinical and non-clinical behavioral referral and assessment of Soldiers’

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<sup>37</sup> See “Testimony before the Legislation and National Security Subcommittee, Committee on Government Operations, House of Representative of Frank C. Conahan to Assistant Comptroller General, National Security and International Affairs Division, General Accounting Office” *GAO.gov* (September 28, 1994), *online at*: <https://www.gao.gov/assets/t-nsiad-94-266.pdf>.

<sup>38</sup> See Enclosure a, “Email from Command Sergeant Major (CSM) Emekaekwue,” internally promoting a culture of assessment, and opined his “find[ing] no fault in the operation” of a mandatory SMAP (Sergeant Major Assessment Program) assessment he was forced to engage in for future consideration for fill a BDE CSM slot, December 12, 2022.

<sup>39</sup> See “Army People Strategy (APS)” *Army.mil* (October 2019) *online at*: [https://www.army.mil/e2/downloads/rv7/the\\_army\\_people\\_strategy\\_2019\\_10\\_11\\_signed\\_final.pdf](https://www.army.mil/e2/downloads/rv7/the_army_people_strategy_2019_10_11_signed_final.pdf).

<sup>40</sup> *CASAL, Annual Study of Army Leadership* (July 2022). *Note*: This 161 page report is available upon request, but it is not online.

identifiable data without full knowledge of the detrimental effects of these assessments to a Soldier's career.<sup>41</sup> These groups produced some significant writings:

4. the Defense Personnel and Security Research Center (PERSEREC), Office of People Analytics (OPA) in January, 2019;<sup>42</sup>
5. another Fort Hood Independent Review Committee in 2020 (resulting from the murder of SPC Vanessa Guillén),<sup>43</sup> which spawned the People First Task Force, also in December 2020;<sup>44</sup> and,
6. the Suicide Prevention and Response Independent Review Committee (SPRIRC), which was created by Secretary Austin in 2022 that produced a published report in January, 2023.<sup>45</sup>

The next few sections discuss the above studies and how these dispersed groups of researchers intend to use their research to justify techniques to gather Soldier data to lobby Congress for the repeal of Pub. Law 112-239 § 1057 (which is inextricably tied as an amendment to Pub. Law 111-383 § 1062) and produce a culture of counseling.

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<sup>41</sup> A violation of law, *see* 44 USC § 3572, *Foundations for Evidence-Based Policymaking Act of 2019*, PL 115-435, (a)-(f), (January 14, 2019).

<sup>42</sup> *See* "Military Leaders' Use of Behavioral Health Resources: Barriers to Care and Possible Solutions," *Defense Personnel and Security Research Center (PERSEREC), Office of People Analytics (OPA)*, OPA-2019-007 (January 2019) *online at*: <https://www.opa.mil/research-analysis/health-well-being/mental-health/military-leaders-use-of-behavioral-health-resources-barriers-to-care-and-possible-solutions/>.

<sup>43</sup> *See* "Report of the Fort Hood Independent Review Committee" *Army.mil* (November 6, 2020) *online at*: [https://www.army.mil/e2/downloads/rv7/forthoodreview/2020-12-03\\_FHIRC\\_report\\_redacted.pdf](https://www.army.mil/e2/downloads/rv7/forthoodreview/2020-12-03_FHIRC_report_redacted.pdf).

<sup>44</sup> *See* Fig. 4.1a., "Integrating People and Training – Considerations and Concepts," People First Task Force, 2022, <https://api.army.mil/e2/c/downloads/2022/08/18/5be2ea41/22-06-672-people-first-task-force-handbook.pdf>.

<sup>45</sup> *See* "Preventing Suicide in the U.S. Military: Recommendations from the Suicide Prevention and Response Independent Review Committee, 2022" *Defense.gov* (January 4, 2023), *online at*: <https://media.defense.gov/2023/Feb/24/2003167430/-1/-1/0/SPRIRC-FINAL-REPORT.PDF>

## THE MILITARY GUN REGISTRY

The law's repeal could result in the equivalent of an 'off-the-books' Military Federal Registry for Military gun owners. This can easily lead to the subjective 'removal of lethal means' at the cost of Soldiers privacy and Constitutional Rights. Reportedly, the aforementioned 2017 Pew Report did not reflect a high level of agreement between Republicans and Democrats regarding any nationwide Federal Gun Registry,<sup>46</sup> and more importantly, there is no lawful justification for it at this time.

## THE CULTURE CULT STARTS HEAVY HANDED

The January 2019 PERSEREC study's goal was to remediate barriers to behavioral health care and produced a few of the following alarming unlawful recommendations:

7. "have two distinct sets of mental and behavioral health care personnel: those who conduct *mandatory evaluations* and those who deliver mental and behavioral health care,"<sup>47</sup> (emphasis added.)
8. "require all leaders to meet face-to-face *with a provider* to discuss their behavioral health...mandate biennial mental health physicals for all Special Operators."<sup>48</sup>
9. "Make One-on-One Meetings With Providers Mandatory at Certain Career Touch Points."<sup>49</sup>

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<sup>46</sup> "America's Complex Relationship with Guns" *PewResearch.org* (2017) *online at*: <https://www.pewresearch.org/social-trends/2017/06/22/americas-complex-relationship-with-guns/>.

<sup>47</sup> See Recommendation 4 from Defense Personnel and Security Research Center (PERSEREC), Office of People Analytics (OPA), "Military Leaders' Use of Behavioral Health Resources: Barriers to Care and Possible Solutions," OPA-2019-007, p. 44, *OPA.mil* (January 2019), *online at*: <https://www.opa.mil/research-analysis/health-well-being/mental-health/military-leaders-use-of-behavioral-health-resources-barriers-to-care-and-possible-solutions/>.

<sup>48</sup> See *Ibid.* at Recommendation 5.

<sup>49</sup> See *Ibid.* at Recommendation 11.

The real agenda behind this initiative can be easily seen through the definitive and strong language used in the PERSEREC excerpts that show the authors are adamant in their support of coerced assessments to enforce broader cultural changes in the military, Arguing that this is about finding the “right people *with the right talent* at the right time;” (emphasis added)<sup>50</sup> To that end, the Sergeant Major Assessment Program (SMAP) piloted an assessment in 2020 in which candidates were forced into mandatory psychological interviews, and double-blind situational questioning to enable “... the Army to make better informed decisions about the selection of senior leaders.”<sup>51</sup> In fact, they are a must for ascension at this time.

To fully grasp the Army’s aggressive approach to remediating its longstanding issues, it is important to note what was published in the inaugural edition of the Army People Strategy (APS), in October, 2019, which stated, “...the Army faces many of the same challenges as the rest of our Nation: sexual assault, sexual harassment, discrimination,, extremism, and suicide...” and they state, “we must **define, drive, and align** our culture with our vision of **cohesive teams.**”<sup>52</sup> The Army’s subsequent description of the term “align” clearly indicates their intent; it states, “*Constantly check and recheck* Army culture for *alignment* [emphasis added] with the Army Strategy. Strategy-culture misalignment results in mission failure. Conduct periodic organizational cultural assessments and integrate *all people data* to dynamically *assess, realign, and redefine* Army culture as our strategy and mission demand.” (emphasis added)

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<sup>50</sup> “Acquire Talent (APS LOE 1) –...This LOE identifies the key tasks needed for the Army to acquire the right people using better screening and assessments, improving marketing techniques and content, and streamlining recruiting and onboarding,” - *from*: “Army People Strategy: APS Military Implementation Plan 2.0” *Army.mil* (October 1, 2022) *online at*: <https://api.army.mil/e2/c/downloads/2023/06/05/309c55e1/army-people-strategy-military-implementation-plan-fy-2023-2025.pdf>.

<sup>51</sup> “Sergeant Major Assessment Program,” *Army.mil* (Jan. 15, 2021) *online at*: <https://www.army.mil/standto/archive/2021/01/15/>.

<sup>52</sup> *See* “The Army People Strategy”, part III, B., *Army.mil* (October, 2019), *online at*: [https://www.army.mil/e2/downloads/rv7/the\\_army\\_people\\_strategy\\_2019\\_10\\_11\\_signed\\_final.pdf](https://www.army.mil/e2/downloads/rv7/the_army_people_strategy_2019_10_11_signed_final.pdf).

This “like-minded” approach,<sup>53</sup> becomes excruciatingly apparent when the mission’s success is rooted in the contravention of existing laws and piloted in other programs. In fact, “one pilot in DoD assessed the feasibility and benefit of using a technique called Screening, Brief Intervention, and Referral to Treatment (SBIRT)<sup>54</sup> and indicated that SBIRT is a feasible evidence-based approach to address alcohol misuse screening and management in certain settings within the MHS.”<sup>55</sup> This alcohol abuse referral is non-clinical and likely falls into the category of a HIPAA loophole that does not require an informed consent referral. It is also likely the same invasive ‘alarm system’ is going to be implemented in the DoD suicide prevention efforts; after all, I can show, the mandatory non-clinical meetings are being unlawfully ordered and implemented now.<sup>56</sup>

Soldiers are not informed of the risks to self and career of speaking, or not speaking, to the non-clinical counselors in these mandatory (ordered) meetings. Evidence of the extent of the associated perils can be seen in the extensive negative Personnel Actions occurring to me (*see* COMPLAINT) for simply requesting the ‘statutory support and scope’ of the ordered behavioral assessments. Moreover, Soldiers are not told that their meetings’ non-clinical notes are not covered under the consent provisions of the

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<sup>53</sup> Also known as “hive-mind” or “groupthink,” *see* Phillips, Craig “The Psychology of Groupthink and the desperate, dangerous desire for social acceptance” *Independent Lens* (Sep. 13, 2022), *online at*: <https://www.pbs.org/independentlens/blog/psychology-of-groupthink-desperate-dangerous-desire-for-social-acceptance/>.

<sup>54</sup> *See generally* “Substance Abuse and Mental Health Services Administration”, *online at*: <https://www.samhsa.gov/sbirt>.

<sup>55</sup> *See* “White House Report on Mental Health Research Priorities” (February 2023), *online at*: <https://www.whitehouse.gov/ostp/news-updates/2023/02/07/white-house-report-on-mental-health-research-priorities/>.

<sup>56</sup> “House Armed Services Committee Fiscal Year 2024 National Defense Authorization Act Summary” *House.gov*, *online at*: [https://democrats-armedservices.house.gov/\\_cache/files/7/a/7a433ac2-286a-4038-b0a1-0cf387fcf91e/72A75622435F434C42DC876E2CCE5F4C.20240612-fy24-ndaa-minority-summary.pdf](https://democrats-armedservices.house.gov/_cache/files/7/a/7a433ac2-286a-4038-b0a1-0cf387fcf91e/72A75622435F434C42DC876E2CCE5F4C.20240612-fy24-ndaa-minority-summary.pdf).

HIPAA Act but still can be used for referral to clinical assessment.<sup>57</sup> Soldiers should be warned or informed of this.

### **EMBEDDEES ASSEMBLE!**

Non-clinicians (technicians) are quickly being embedded amongst troops and “train[ed]... in evidence-based practices”<sup>58</sup> to capture and store data on everyone, which they can then refer to clinicians and Commanders without informed consent (sidestepping HIPAA, and disregarding Soldiers' privacy and choice).<sup>59</sup> The possibility of assessing 100% of Soldiers (or “assessing the unassessed(sic)” as my unit put it) is a statistical impossibility if soldiers knew they had a choice to opt-out.

In fact, an military study indicates that not everyone feels the need or desire to regularly meet with a clinician or psychologist<sup>60</sup> for recurring or ‘longitudinal’ assessments. This is believable, given most

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<sup>57</sup>“At a minimum, any personally identifiable information recorded by MOS [Military One Source] and MFLC [Military and Family Life Consultant] Program counselors is subject to section 552a of title 5, United States Code (U.S.C.)... , commonly referred to as the “Privacy Act of 1974”) and DoD 5400.11-R... ; however, because MOS and the MFLC Program are not healthcare programs, this information may not be subject to DoDI 6025.18 [“IMPLEMENTATION OF... (HIPAA) PRIVACY RULE IN DOD HEALTH CARE PROGRAMS],” - *from*: DoDI 6490.06 (Counseling Services for DoD Military, Guard and Reserve, Certain Affiliated Personnel, and Their Family Members), para. 1.a.(3), (April 21, 2009), *online at*: <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/649006p.pdf>.

<sup>58</sup> See Austin, Lloyd J. III “Secretary of Defense memorandum: New DOD Actions to prevent suicide in the military” *Defense.gov* (September 26, 2023), *online at*: <https://media.defense.gov/2023/Sep/28/2003310249/-1/-1/1/NEW-DOD-ACTIONS-TO-PREVENT-SUICIDE-IN-THE-MILITARY.PDF>.

*Note*: this report revised the wording of the SPRIRC report from January 4, 2023.

<sup>59</sup> “At a minimum, any personally identifiable information recorded by MOS and MFLC Program counselors is subject to section 552a of title 5, United States Code (U.S.C.) ...commonly referred to as the “Privacy Act of 1974”) and DoD 5400.11-R ... however, because MOS and the MFLC Program are not healthcare programs, this information may not be subject to DoDI 6025.18 [HIPAA, hence readily shareable with other Medical Personnel]...” – *from*: DoDI 6490.06 (Counseling Services for DoD Military, Guard and Reserve, Certain Affiliated Personnel, and Their Family Members) *WHS.mil* (April 21, 2009), *online at*: <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/649006p.pdf>.

<sup>60</sup> Greene-Shortridge, Tiffany M., Thomas W. Britt, Carl Andrew Castro "The stigma of mental health problems in the military" *Military Medicine*, Vol. 172 (Feb 2007) *online at*: <https://pubmed.ncbi.nlm.nih.gov/17357770/>.



people are likely mentally healthy and the risks associated with being subjected to coerced relationships with subjective outcomes are onerous. Moreover, many people do not trust medical professionals since the coronavirus outbreak.<sup>61</sup> This means that there is a high likelihood of increased stigma associated with these mandatory meetings once the negative outcomes (rights removal, separations, directed clinical counseling, behavior modification, and free speech censorship) become apparent.

### **SUICIDE PREVENTION AND RESPONSE INDEPENDENT REVIEW COMMITTEE (SPRIRC)**

Yet the Army drove on with this plan anyway. The SPRIRC<sup>62</sup> was formed via a memorandum<sup>63</sup> by Lloyd J. Austin, III, Secretary of Defense, on March 22, 2022, under the authority provided by the National Defense Authorization Act (NDAA) of 2022<sup>64</sup> (section 738).<sup>65</sup> In his letter, the “Zero Tolerance”<sup>66</sup> logical fallacy was used by our Secretary of Defense: “One death by suicide is one too many.”<sup>67</sup> To this end, he

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<sup>61</sup> “Americans’ Trust in Scientists, Other Groups Declines,” *PewResearch.org* (February 15, 2022), *online at*: <https://www.pewresearch.org/science/2022/02/15/americans-trust-in-scientists-other-groups-declines/>.

<sup>62</sup> See SPRIRC, “Preventing Suicide in the U.S. Military: Recommendations from the Suicide Prevention and Response Independent Review Committee, 2022” January 4, 2023, <https://media.defense.gov/2023/Feb/24/2003167430/-1/-1/0/SPRIRC-FINAL-REPORT.PDF>, and see Austin, Lloyd J. III “Secretary of Defense memorandum: New DOD Actions to prevent suicide in the military” *Defense.gov* (September 26, 2023), *online at*: <https://media.defense.gov/2023/Sep/28/2003310249/-1/-1/1/NEW-DOD-ACTIONS-TO-PREVENT-SUICIDE-IN-THE-MILITARY.PDF>.

<sup>63</sup> See Austin, Lloyd J., III, “Memorandum for Senior Pentagon Leadership Commanders of the Combatant Commands Defense Agency and DOD Field Activity Directors” *Defense.gov* (March 22, 2022), *online at*: <https://media.defense.gov/2022/Mar/22/2002961288/-1/-1/0/ESTABLISHMENT-OF-THE-SUICIDE-PREVENTION-AND-RESPONSE-INDEPENDENT-REVIEW-COMMITTEE.PDF>.

<sup>64</sup> See Pub. Law 117-81, December 27, 2021.

<sup>65</sup> *Ibid.*

<sup>66</sup> “**Zero Tolerance** (also, Zero Risk Bias, Broken Windows Policing, Disproportionate Response; Even One is Too Many; Exemplary Punishment; Judenrein): The contemporary fallacy of declaring an “emergency” and promising to disregard justice and due process and devote unlimited resources (and occasionally, unlimited cruelty) to stamp out a limited, insignificant or even nonexistent problem.” – from “Master List of Logical Fallacies” *University of Texas at El Paso*, *online at*: <https://utminers.utep.edu/omwilliamson/ENGL1311/fallacies.htm>

<sup>67</sup> See Lloyd, Austin J. III, “Memorandum for Senior Pentagon Leadership, Commanders of the Combant commands Defense Agency and DoD Field Activity Directors” *Defense.gov* (March 22, 2022), *online at*: <https://media.defense.gov/2022/Mar/22/2002961288/-1/-1/0/ESTABLISHMENT-OF-THE-SUICIDE-PREVENTION-AND-RESPONSE-INDEPENDENT-REVIEW-COMMITTEE.PDF>

ordered the Committee to provide recommendations for “actionable improvement to policies, program, processes, and resources to prevent these tragedies in our military.”<sup>68</sup> Not only did the committee provide the Secretary with recommendations, it also published their recommendations “organized around the four pillars of the National Strategy for Suicide Prevention,”<sup>69</sup> one of which includes “Surveillance, Research and Evaluation.”<sup>70</sup> They too, produced alarming unlawful recommendations on January 4, 2023,<sup>71</sup> including:

- a. Recommendation 5.12, “Repeal Public Law 112-239 Section 1057 and replace with procedural due process regarding the collection and recording of information relating to the lawful acquisition, possession, ownership, carrying, or other use of a privately owned firearm or weapon by military personnel and civilian employees of the DoD.”
- b. Recommendation 5.13, “Direct the Office of General Counsel to issue guidance that outlines how information about firearm acquisition, possession, ownership, carrying, or other use of a privately owned firearm or weapon by military personnel and civilian employees of the DoD can be legally collected *by program evaluators.*”
- c. Recommendation 6.9, “Broaden the range of accreditations accepted for the hiring and credentialing of qualified behavioral health providers.”
- d. Recommendation 6.28, “Amend DoDI 6490.06 to clarify when the delivery of evidence-based suicide-focused interventions falls within the scope of non-medical counseling.”

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<sup>68</sup> Ibid.

<sup>69</sup> See SPRIRC, “Preventing Suicide in the U.S. Military: Recommendations from the Suicide Prevention and Response Independent Review Committee, 2022” *Defense.gov* (January 4, 2023), <https://media.defense.gov/2023/Feb/24/2003167430/-1/-1/0/SPRIRC-FINAL-REPORT.PDF>

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

The members of the SPRIRC must have realized that their extreme recommendations would not be received well, so they modified some of them in their most recent publication revisions in Secretary of Defense Austin's memorandum of September 26, 2023,<sup>72</sup> which largely mirrored the SPRIRC's document and are as follows:

- a. Recommendation 5.12, "[REVISED]: Submit legislation to revise Public Law 111-383 Section 1062 to allow voluntary research data collection regarding secure storage of privately owned firearms by military personnel,"
- b. Recommendation 5.13, (Revised but not noted as such), "Establish guidance on what collection of research and program evaluation data related to privately owned firearms is permitted by law,"
- c. Recommendation 6.9, "[REVISED] The Defense Health Agency is revising credentialing standards for Licensed Professional Counselors and Licensed Marriage and Family Therapists,"
- d. Recommendation 6.28, "[REVISED] Implement and promote targeted strategies to more efficiently use non-medical counseling programs to meet current behavioral health demand."

Essentially, they split "Recommendation 5.12" in the January 2023 edition of the SPRIRC report to rewrite both Recommendations 5.12 and 5.13 in the September revised report, which resulted in the disappearance of their stated intent to implement a Military Federal Registry of 5.13 in the January original document. Interestingly, the addition of the word "voluntary" is significant; the paraphrased September memo's new intent, "they want to mandatorily have the opportunity to repeatedly

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<sup>72</sup>See Austin, Lloyd J. III "Secretary of Defense memorandum: New DOD Actions to prevent suicide in the military" *Defense.gov* (September 26, 2023), *online at*: <https://media.defense.gov/2023/Sep/28/2003310249/-1/-1/1/NEW-DOD-ACTIONS-TO-PREVENT-SUICIDE-IN-THE-MILITARY.PDF>.

(longitudinally)<sup>73</sup> ask if Soldiers will voluntarily share whether they own a gun.’ Is this longitudinal browbeating?

### **GET THOSE EMBEDS IN THERE FAST!**

Furthermore, the expedited nature of the changes to Recommendations 6.9 and 6.28 coupled with the deletion of Recommendation 6.10<sup>74</sup> indicate a lessening of the level of care intended to be provided. This may indicate the committee cares less about the level of care available and more about having a plethora of people available to ask these invasive questions and gather behavioral and attitudinal data. The 2024 NDAA<sup>75</sup> from Congress asks the Secretary of Defense to “conduct a study and provide a report to Congress... on DOD nonclinical mental health programs, including how they are administered, how they differ from clinical mental health services...;” Given the speed of this strategic plan (Congress likely does not know it yet), these non-clinical programs are being implemented to garner implied consent through mandated meetings where Soldiers are asked to provide ‘consent’ in a *pro forma* and misleading fashion. One example is Human Performance and Wellness consent forms with only a ‘consent box’ on it.<sup>76</sup>

### **THE GOLDEN TRIANGLE**

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<sup>73</sup> “A longitudinal study (or longitudinal survey, or panel study) is a research design that involves repeated observations of the same variables (e.g., people) over long periods of time (i.e., uses longitudinal data).,” *from:*” Longitudinal study” *Wikipedia, online at:* [https://en.wikipedia.org/wiki/Longitudinal\\_study](https://en.wikipedia.org/wiki/Longitudinal_study).

<sup>74</sup> See SPRIRC, “Preventing Suicide in the U.S. Military: Recommendations from the Suicide Prevention and Response Independent Review Committee, 2022” January 4, 2023, <https://media.defense.gov/2023/Feb/24/2003167430/-1/-1/0/SPRIRC-FINAL-REPORT.PDF>

<sup>75</sup> See FY 2024 NDAA, Section 743, (January 23, 2024), *online at:* <https://www.congress.gov/bill/118th-congress/house-bill/2670/text>.

<sup>76</sup> See Enclosure b, informed consent forms from Special Operations Command Central and 7<sup>th</sup> Special Forces Group.

Moreover, other programs are being implemented using fallacious reasoning too. You can see this easily with conventional unit's (non-special operations unit) flyer used to advertise the "Golden Triangle"<sup>77,78</sup> Program,<sup>79</sup> which uses an Identity Fallacy.<sup>80</sup> Also, Walter Reed Army Institute of Research used a casual reference in their Golden Triangle flyer that states, "A Wellness Check is a mandatory individual 30-45 minute session with a Military and Family Life Counselor."<sup>81</sup> The Army reinforces this with leadership via a statement in the latest Annual Report on Suicide by stating, "Wellness Checks<sup>82</sup> are...completed

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<sup>77</sup> See Fig. 4.1a., "Integrating People and Training – Considerations and Concepts," People First Task Force, 2022, <https://api.army.mil/e2/c/downloads/2022/08/18/5be2ea41/22-06-672-people-first-task-force-handbook.pdf>, also see People First Task Force "GEN McConville's Golden Triangle is often depicted when defining People First at the enterprise level.," *Army.mil* (2022), online at: <https://api.army.mil/e2/c/downloads/2022/08/18/5be2ea41/22-06-672-people-first-task-force-handbook.pdf>.

<sup>78</sup> Use of the "Identity fallacy" (see definition at "Master List of Logical Fallacies" *University of Texas at El Paso*, online at: <https://utminers.utep.edu/omwilliamson/ENGL1311/fallacies.htm>.) with inferred consent can be seen in the answer provided to the statement, "MYTH Golden Triangle calls are an invasion of privacy;" the program's response is, "When Soldiers join the Army, they join the Army team. These calls are a way to proactively connect the Soldier's personal family and the Soldier's Army family. With this in mind, the Soldier plays a role in who leaders call. Golden Triangle is created by the Soldier; they define the roles of people in their lives," (emphasis added) – from: "Promotional Flyer: Fort Bliss Mythbusters: Golden Triangle," undated, online at: [https://home.army.mil/bliss/application/files/3616/4010/7363/Myth\\_Busters\\_3\\_Enc6\\_Golden\\_Triangle\\_Mythbusters\\_12-21-21.pdf](https://home.army.mil/bliss/application/files/3616/4010/7363/Myth_Busters_3_Enc6_Golden_Triangle_Mythbusters_12-21-21.pdf) (note: this flyer was used as part of Operation Ironclad)

<sup>79</sup> See "Integrating People and Training – Considerations and Concepts," People First Task Force, 2022, <https://api.army.mil/e2/c/downloads/2022/08/18/5be2ea41/22-06-672-people-first-task-force-handbook.pdf>, at Chapter 1 (introduction), paragraph starting with the words "People first."

<sup>80</sup> "The Identity Fallacy: (also Identity Politics; "Die away, ye old forms and logic!"): A corrupt postmodern argument from ethos, a variant on the Argumentum ad Hominem in which the validity of one's logic, evidence, experience or arguments depends not on their own strength but rather on whether the one arguing is a member of a given social class, generation, nationality, religious or ethnic group, color, gender or sexual orientation, profession, occupation or subgroup." – from "Master List of Logical Fallacies" *University of Texas at El Paso*, online at: <https://utminers.utep.edu/omwilliamson/ENGL1311/fallacies.htm>.

<sup>81</sup> See: Walter Reed Army Institute of Research "Flyer: Wellness checks: A quick guide for military & Family Life Counselors [MFLCs], v 3.0 *Media.Defense.gov* (June 2023) online at: <https://media.defense.gov/2023/Jun/02/2003234364/-1/-1/1/WELLNESS-CHECK-MFLC-QUICK-GUIDE-WRAIR-V3-1JUN23.PDF>

<sup>82</sup> "The Wellness Checks for Soldiers initiative requires Soldiers of all ranks to complete a wellness check to support personal resilience, promote personal development, and introduce Soldiers to the counseling process.," from: "Annual Report on Suicide in the Military CY 2022 by the Undersecretary of Defense for Personnel and Readiness" *DSPO.mil* (2022) online at: [https://www.dspo.mil/Portals/113/Documents/ARSM\\_CY22.pdf?ver=StAk\\_q6lJgNRUsOlptzVVA%3d%3d](https://www.dspo.mil/Portals/113/Documents/ARSM_CY22.pdf?ver=StAk_q6lJgNRUsOlptzVVA%3d%3d).

once a year,” which presumptively infers that these meetings have previously occurred annually and are required.

### **A SPIDER WEB**

This is a clandestine and invasive way to gather data from Soldiers without informed consent and, worse yet, to gather information from friends and family under an organically contrived and aforementioned “Spider web concept”<sup>83</sup> that is being used to assess the Soldiers.<sup>84</sup> They even suggest supervisors should make the call and say, “This way, in case you have a concern about your Soldier, you know that you can contact me.”

### **THE CULTURE CULT**

Most importantly, someone in the Department of Defense wants to drive “Policy change represent[ing] a necessary action to drive culture change throughout the DoD - to change the way we speak about mental health ad help-seeking behaviors.”<sup>85</sup> Regardless of this cultural push, current regulation clearly states Soldiers get to decide to meet with a non-clinical or clinical provider, in-person or on an internet

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<sup>83</sup> See People First Task Force “Integrating People and Training – Considerations and Concepts,” *Army.mil*, (2022) online at: <https://api.army.mil/e2/c/downloads/2022/08/18/5be2ea41/22-06-672-people-first-task-force-handbook.pdf>.

<sup>84</sup> “In accordance with the III Corps Leaders Book and the Counseling Guide, first-line Leaders will use the Golden Triangle to help understand the most influential people in their Soldiers’ lives.... Knowing who these friends are will open up lines of communication and reinforce connectedness, *in the event a Soldier is not performing as expected*, or in emergency circumstances.,” from: “Optimizing Golden Triangle Calls: A quick guide for leaders – Operation People First, III Corps & Fort Hood” *Media.Defense.gov* (Jan. 25, 2023 ) online at: [https://media.defense.gov/2023/Jan/25/2003149510/-1/-1/1/QUICK%20GUIDE%20FOR%20LEADERS%20-%20GOLDEN%20TRIANGLE%20CALLS\\_FINAL.PDF#:~:text=Golden%20Triangle%20Calls%20are%20a%20part%20of%20III.family%20member%20of%20each%20Soldier%20they%20directly%20supervise](https://media.defense.gov/2023/Jan/25/2003149510/-1/-1/1/QUICK%20GUIDE%20FOR%20LEADERS%20-%20GOLDEN%20TRIANGLE%20CALLS_FINAL.PDF#:~:text=Golden%20Triangle%20Calls%20are%20a%20part%20of%20III.family%20member%20of%20each%20Soldier%20they%20directly%20supervise).

<sup>85</sup> See “Review of Policies to Eliminate Stigmatizing Language Related to Mental Health by Deputy Undersecretary of Defense” *Health.mil* (November 7, 2022), online at: <https://www.health.mil/Reference-Center/Policies/2022/11/07/Review-of-Policies-to-Eliminate-Stigmatizing-Language-Related-to-Mental-Health>.  
NOTE: This memo was cited in the Annual Report on Suicide in the Military (CY 2022).

application, or by any other means contrived. In other words, they have the option to say ‘No, do not call my family and friends.’ Moreover, not participating in the communal programs does not make them an extremist.

Our military is a volunteer force of many that should be individually respected as adults, who took an oath to serve our Country. They are *not indentured experimental human research subjects*. Regardless of any culture change, Special protections of servicemembers are found in the law (such as the Soldiers and Sailors Civil Relief Act), but these serve to enhance the existing protections that servicemembers have under our Constitution and federal laws.

### **SPECIAL FORCES LEAD THE WAY**

The United States Army Special Operations Command (USASOC) Human Performance and Wellness Program (HPW)<sup>86</sup> is a subset of government-funded Preservation of the Force and Family (POTFF) Program,<sup>87</sup> which has become a longitudinal research<sup>88</sup> effort to employ evidence-based holistic healthcare research concepts,<sup>89</sup> executed under the premise of Command Authority.<sup>90,91,92,93</sup> It is a Congressionally

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<sup>86</sup> See Enclosure 25 of the COMPLAINT in this case, USASOC Warfighter or Life Alliance, memorandum, MG Francis M. Beaudette, June 25, 2021.

<sup>87</sup> “In 2010, in an effort to address these issues, USSOCOM launched a resiliency initiative, currently known as the Preservation of the Force and Family (POTFF) program. In 2013, POTFF first received congressional authorization to fund SOF-specific family support pilot programs beyond family programs offered by the military departments. In 2017, Congress made the authority permanent in the FY2018 National Defense Authorization Act (NDAA; P.L. 115-91; codified under 10 U.S.C. §1788a).” -from "FY2022: NDAA: Preservation of the Force and Family Program" *Congressional Research Service* (Nov. 4, 2021) *online at*: <https://crsreports.congress.gov/product/pdf/IN/IN11791/5>.

<sup>88</sup> See Enclosure 25 of the COMPLAINT in this case, USASOC Warfighter or Life Alliance, memorandum by MG Francis M. Beaudette, June 25, 2021, paras. 4, 6, 7 and 8.

<sup>89</sup> In contravention of DoD 5240.1-R, “Procedures Governing the Activities of DoD Intelligence Components that affect United States Persons,” Ch. 3, Procedure 13, (April 26, 2017), *online at*: <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/524001r.pdf>.

<sup>90</sup> See Enclosure c, email from 389th S3, “Daily FRAGO: 24 January 2023... Open taskings... ASC Overdue.”

approved effort purported to improve the health of all Soldiers and their families and is being fielded as embedded healthcare in support of suicide prevention and holistic resilience.

U.S. Army Special Operations Command carefully couched this effort as seen in their Social & Family Programs policy<sup>94</sup> in September 2021; they purported the “family support services” benefit family members; the third of three categories of services stands out as stated,

*c.) Interpersonal Relationship Enhancement. Activities conducted under this program are designed to enhance the quality of interpersonal relationships through improved communication skills, emotional regulation, and behavior modification”<sup>95</sup> (emphasis added)*

Yet, most Soldiers and their family members do not need *any* behavior modification.

### **INTELLIGENCE OPERATION**

However, prior to the aforementioned U.S. Army Special Operations Command’s Policy (USASOC) publication, U.S. Special Operations Command (USSOCOM) referred to the embedded POTFF personnel in a more peculiarly blatant manner using a pronoun for these added personnel that is typically reserved

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<sup>91</sup> See Enclosure 37 of the COMPLAINT in this case, “OPORD 22-XXX 528th SB (SO) (A) Human Performance and Wellness Assessment:”

<sup>92</sup> See Enclosure 22 of the COMPLAINT in this case, an email from the Deputy Commanding Officer, LTC Manuel D. Sanchez, December 12, 2022.

<sup>93</sup> See Enclosure d, “mandatory use of Human Performance and Wellness resources,” 5<sup>th</sup> SFG Policy, signed by COL Brent W. Lindeman, August 2, 2021.

<sup>94</sup> See Enclosure e, USASOC Policy 21-18 Memorandum, “Management of U.S. Special Operations Command Social & Family Programs,” Office of the Chief of Staff, Rear Admiral Collin P. Green, September 13, 2021.

<sup>95</sup> Ibid.



for Human Intelligence source operations. In USSOCOM's January 2021 Policy, signed by Rear Admiral Collin P. Green, there exists a rather significant statement, "By fully integrating *POTFF personnel* within the unit, *assets*<sup>96</sup> are able to build trust with unit leaders, SOF, and families to identify early indicators of opportunities for intervention" (emphasis added)<sup>97</sup> Clearly USSOCOM leaders are emplacing trained (mostly non-clinical personnel) human sources (or assets!) in units, to build trust among Soldiers and their families, to gather their evidence-based longitudinal (research) information in mandatory meetings. Then USSOCOM will store (using SMARTABASE),<sup>98</sup> and report back (a non-clinical subversion of HIPPA) to a Commander (having intelligence command authority) or clinical Psychologist (having subjective diagnosis authority), personally identifiable data (private information) without informed consent (a subversion of Privacy Act and Human Research laws) to change the behavior of all Soldiers (not just the suicidal ones). This raises more questions:

- 'Are they conducting an intelligence gathering operation on U.S. Soldiers to fight suicide and who knows what else?,'
- 'Does this fit the definitions found in the Field Manual for Human Intelligence Collector Operations<sup>99</sup> of "EARLY ENTRY OPERATIONS"<sup>100</sup> or "HUMINT COLLECTION IN A PERMISSIVE ENVIRONMENT"<sup>101</sup>,'

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<sup>96</sup> "asset: See intelligence asset....intelligence asset: Any resource-person, group, instrument, installation, or technical system-at the disposal of an intelligence organization.," –from: "Glossary of Intelligence Terms and Definitions" *CIA.gov* (June 15, 1978), *online at*: <https://www.cia.gov/readingroom/docs/CIA-RDP80M00596A000500020003-7.pdf>.

<sup>97</sup> *Ibid*.

<sup>98</sup> *See* Enclosure f, "The Smartabase application will be used as the primary tool for recording POTFF care and services, *assessments* and other related activities (emphasis added)," USSOCOM Directive 10-12, Ch. 5 "Program Overview," para. b., January 21, 2021.

<sup>99</sup> *See* FM 2-22.3, *Human Intelligence Collector Operations*, (September, 2006) *online at*: [https://armypubs.army.mil/epubs/DR\\_pubs/DR\\_a/pdf/web/fm2\\_22x3.pdf](https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/fm2_22x3.pdf).

<sup>100</sup> *From*: *Ibid* at 3-6, "Early entry operations differ from FEOs in that early entry operations do not anticipate large-scale armed opposition. Early entry operations establish or enhance US presence, stabilize the situation, and shape

- ‘Does this violate the prohibition to collect on U.S. persons?’,<sup>102</sup>
- ‘Are these non-clinical personnel human sources or are they managing human sources they cultivate around Soldiers (a wife, brother, friend in their ‘Golden Triangle’)?’,<sup>103</sup>
- ‘Is this a questionable intelligence activity, or worse, a significant or highly sensitive matter (S/HSM)?’,<sup>104</sup>

### **THE CONVENTIONAL ARMY FOLLOWS SUIT TO ASSESS THEM ALL**

A similar program was created for conventional forces that emulated the USSOCOM and USASOC program entitled the Health to Force (H2F) Program; it was self-described as a , “... system... built on the foundation of evidence-based best practices from the U.S Special Operations Command (USSOCOM) Preservation of the Force and Family (POTFF) Task Force[.]”<sup>105</sup> An example of this is 1<sup>st</sup> Armored Division, Fort Bliss, whose leadership named their embedded mental health program “OPERATION

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the environment for follow-on forces. HUMINT collection provides critical support to defining the operational environment and assessing the threat to US forces. The considerations listed above for FEOs apply equally to early entry operations.”

<sup>101</sup> *From:* Ibid at 3-19 “They normally use debriefing and elicitation to obtain first-hand information from local civilians and officials as their primary collection techniques. Additional information can be obtained from exploitation of open-source material such as newspapers, television, and other media.... They normally use debriefing and elicitation to obtain first-hand information from local civilians and officials as their primary collection techniques. Additional information can be obtained from exploitation of open-source material such as newspapers, television, and other media.... Even in a permissive environment, the HUMINT collector conducts the majority of his collection through the debriefing of individuals who have first-hand knowledge of the information they are reporting.”

<sup>102</sup> *See* DoD Directive 5148.13 (Intelligence Oversight), (April 26, 2017), *online at:* [https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/514813\\_dodd\\_2017.pdf](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/514813_dodd_2017.pdf).

<sup>103</sup> *See* Ibid for definitions of “DoD Personnel” and “DoD Contractor Personnel.”

<sup>104</sup> *See* Ibid for definitions of “QIA” and “S/HSM”

<sup>105</sup> *See* “U.S. Army H2F Holistic Health and Fitness, Soldiers Readiness System” *Department of Defense, Center for Lessons Learned*, No. 23-06 (784) (June 2023), *online at:* <https://api.army.mil/e2/c/downloads/2023/06/05/25e44ff1/23-06-784-holistic-health-and-fitness-handbook-jun-23-public-release-1.pdf>.

IRONCLAD.”<sup>106</sup> And these Army programs are ‘rolling along;’ “H2F began the initial-fielding of 28 BDEs [Brigades] in fiscal year (FY) 2021 and will continue to deploy H2F capabilities to a total of 10 AC [Active Component] BDEs through FY 2030.”<sup>107</sup>

Overall, the Army’s thorough use of holistic, evidence-based data-gathering methods can be best understood, as applied through their newly minted Army Suicide Prevention Program (ASPP) Regulation,<sup>108</sup> which states, “actions that create environments of emotional/psychological and physical safety for all. These activities are foundational and universal ... and are intended to be applied to the *entire population* through various means.” Moreover, the published ARSOF<sup>109</sup> (holistic healthcare) Strategy goes even further, not only is it for everyone, but also it is espoused to “analyze down to the neuron-level to improve Soldiers’ ability(sic) to meet requirements and maintain high levels of resiliency.”<sup>110</sup>

### **THE RETALIATION EFFECT**

Soldiers, unfortunately, follow fallacy-based, unlawful orders like the ones in my associated COMPLAINT because they are conditioned to. They are also empirically aware of others, like me, who have fallen prey to retaliation for simply asking questions, as I did. In fact, many military members have

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<sup>106</sup> See “Operation Ironclad” *Army.mil*, online at: <https://home.army.mil/bliss/units-tenants/1st-armored-division/operation-ironclad>.

<sup>107</sup> See “U.S. Army H2F HOLISTIC HEALTH AND FITNESS, SOLDIERS READINESS SYSTEM,” Department of Defense, Center for Lessons Learned, No. 23-06 (784), June, 2023, <https://api.army.mil/e2/c/downloads/2023/06/05/25e44ff1/23-06-784-holistic-health-and-fitness-handbook-jun-23-public-release-1.pdf>, p. iii, “Forward,” first para.

<sup>108</sup> See AR 600-92, (Army Suicide Prevention Program), (September 8, 2023), online at: [https://www.armyresilience.army.mil/SPM-2023/pages/images/pdf/AR\\_600-92%20Regulation.pdf](https://www.armyresilience.army.mil/SPM-2023/pages/images/pdf/AR_600-92%20Regulation.pdf).

<sup>109</sup> This Army acronym stands for “Army Special Operations Forces”

<sup>110</sup> “Army Special Operations Forces Strategy,” *SOC.mil*, LOE 1: People, OBJ[ective] 1.2, LTG Francis M. Beaudette, online at: [https://www.soc.mil/AssortedPages/ARSOF\\_Strategy.pdf](https://www.soc.mil/AssortedPages/ARSOF_Strategy.pdf).

witnessed or experienced some level of retaliation<sup>111</sup> that has been successfully employed, without recourse to the perpetrators. This issue is gaining some exposure in the news as of late; but mostly, internal attention and external reporting of retaliation seems to be reserved for cases that have a sexual aspect to them. There is virtually no research available that addresses simple retaliation.

Yet simple retaliation occurs every day in our military. If my case is an example, it is due to a lack of due-process as well as conflicts-of-interest in decisions and investigations that result in Administrative Separations. This is further exacerbated by two more issues: 1) simple retaliation never comes to light in court for years after the Soldier's administrative removal by bad actors and, 2) Soldiers give up defending their military service record after being administratively removed due to their unwillingness to continue a battle (for financial, professional, familial or mental health reasons) that becomes seemingly endless and futile.

As separating Soldiers (in similar situations as mine) are corralled and pushed along their respective administrative separations, one of the two, or both, of the aforementioned effects are likely. They can become desperate and disengaged once they realize that getting a fair adjudication of the Commander's punishment, or remediation of the damage done to their character, is futile. These two effects could contribute to the military suicide rate, because approximately a quarter of both completed and attempted suicides comprise Soldiers in some "administrative/legal problem."<sup>112,113</sup>

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<sup>111</sup> "Upholding Retaliation Prevention and Response: The Command Team's Vital Responsibility," *Defense Equal Opportunity Management Institute* (December 19, 2023), *online at*: [https://www.defenseculture.mil/Portals/90/Documents/Culture-Portal/Publications/TECR\\_23-52-CTAS\\_Retaliation\\_Prevention-20231219.pdf?ver=pksxo61f\\_5tMITOWemTKPQ%3d%3d](https://www.defenseculture.mil/Portals/90/Documents/Culture-Portal/Publications/TECR_23-52-CTAS_Retaliation_Prevention-20231219.pdf?ver=pksxo61f_5tMITOWemTKPQ%3d%3d).

<sup>112</sup> See "Annual Report on suicide in the military, calendar year 2022" *DSPO.mil* (2022) *online at*: [https://www.dspo.mil/Portals/113/Documents/ARSM\\_CY22.pdf?ver=StAk\\_q6lJgNRUsOlptzVVA%3d%3d](https://www.dspo.mil/Portals/113/Documents/ARSM_CY22.pdf?ver=StAk_q6lJgNRUsOlptzVVA%3d%3d).

<sup>113</sup> Walsh, Steve, "The American Homefront Project: A Pentagon report finds that troops' suicides are often preceded by legal or administrative troubles," *KPBS.org*, January 15, 2024, *online at*: <https://www.kpbs.org/news/military/2024/01/15/pentagon-report-troops-suicides-preceded-legal-administrative-troubles>.

Adding dangerous, invasive and unlawfully ordered so-called evidence-based psychological ‘medicine’ will likely not positively affect that problem. If Commanders, using third-party, evidence-based programs, do not constrain themselves within our Constitution, federal law and professional Codes-of-Conduct, and subsequently, they will be the arbiters of further invasive therapies or actions, then our Soldiers will also be at a severe disadvantage. This stems from Soldiers unwittingly giving up their privacy to these third-party corporations pursuant to a Commander’s order.

Once Soldiers get stung by any subjective outcome, it's too late. After all, Soldiers are already liberty-impaired due to their oaths of enlistment and therefore easy targets under an Authoritative Fallacy.<sup>114</sup> If they don’t comply, they face near-impossible conflicts using illegal retaliation tactics (contained in the associated COMPLAINT) that never get scrutinized or they are obfuscated with *ad hominem* written attacks. Worse yet, the Army leaders and the Inspector Generals they reach out to for assistance are directed to make decisions in “the best interest of the Army [or DoD],” which may never outweigh the lawfulness of that Soldier’s plight against a Commander’s violation of law and his/her supervisors’ cover of it. These layers of protection for Soldiers were built with appropriate intentions but are toothless without third-party punitive oversight and the affirmative defense (escape clause)<sup>115</sup> recently added to the Military Whistleblower Protection Act.

### **HISTORICAL THOUGHT POLICE**

World history is replete with examples of this type of dichotomy where it seems simple to assert ‘the best interest of the Army;’<sup>116</sup> A commonly recognizable example comes from pop-culture movie, “The needs

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<sup>114</sup> As defined by “A List of Every Fallacy Out there,” online at: <https://listoffallacies.com/>.

<sup>115</sup> This is explained further in the associated COMPLAINT.

<sup>116</sup> Often this is framed as being about “getting the troops what they need in the battlefield,” while ignoring safety issues that might lead to unnecessary casualties, as was the case when Air Force Lieutenant Colonel James G.

of the many outweigh the needs of the few,”<sup>117</sup> and, I too agree, we need a strong and resilient Army. That said, an Army is made up of individual Soldiers with Constitutionally protected rights, which cannot be lawfully ignored for the sake of utility; but, yet, it has historically occurred on even larger scales.<sup>118</sup>

Most notably, as the German National Socialist (Nazi) party rose to power in the 1930’s, this utilitarian concept was bastardized by those in power through the nationalization of Police actions. “This represented a radical departure from German tradition, which held that law enforcement was (mostly) a Land (state) and local matter.”<sup>119</sup> This was demonstrated by Hitler’s formidable secret information force that began as a national surveillance force on its citizenry and quickly gravitated to violence and any “arrested ... were held without judicial process.”<sup>120</sup>

Furthermore, the Gestapo quickly became an unstoppable force of intelligence gathering on ordinary people. The “... fanatical accumulation of information became the Gestapo’s greatest weapon.... the Gestapo<sup>121</sup> was operating essentially without any meaningful restraint.”<sup>122</sup> In contrast, our free society, as represented by our democratic republic, is (arguably) the longest-standing endeavor of its kind in history.

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Burton blew the whistle on the shoddy and inaccurate testing done on the Bradley Fighting Vehicle. He was sadly forced into early retirement in 1986 due to his whistleblowing. This story was told in *Pentagon Wars* (1998 movie). Also see “James G. Burton” *Wikipedia*, online at: [https://en.wikipedia.org/wiki/James\\_G.\\_Burton](https://en.wikipedia.org/wiki/James_G._Burton).

<sup>117</sup> *Star Trek: The Wrath of Khan* (1982 movie).

<sup>118</sup> “Category: Political and Cultural Purges” *Wikipedia*, online at: [https://en.wikipedia.org/wiki/Category:Political\\_and\\_cultural\\_purges](https://en.wikipedia.org/wiki/Category:Political_and_cultural_purges).

<sup>119</sup> “Gestapo,” *Wikipedia*, online at: <https://en.wikipedia.org/wiki/Gestapo>.

<sup>120</sup> *Ibid*.

<sup>121</sup> “Nazi political police” or “Geheime Staatspolizei (German: Secret State Police),” *Encyclopedia Britannica* (2024) online at: <https://www.britannica.com/topic/Gestapo>.

<sup>122</sup> McNamara, Robert “The Gestapo Definition and History of the Nazi Secret Police,” *Thoughtco.com* (September 27, 2019), online at: <https://www.thoughtco.com/gestapo-4768965>.

It has only endured this long due to the constraints our Founding Fathers included in our Constitution, and the laws begotten from it by our represented Citizenry.

### **INTEGRATING ASSETS TO ROOT OUT EXTREMISTS**

That is, until now. The most telling of all the quotes in this argument bears repeating from the U.S. Special Operations Command (USSOCOM) Policy 10-12,<sup>123</sup> “[b]y fully integrating *POTFF personnel* within the unit, *assets* are able to build trust with unit leaders, SOF, and families to identify early indicators of opportunities for intervention (emphasis added).”<sup>124</sup> After all, “[t]he Pentagon is working to rid itself of violent extremist members. In addition to strengthening the chain of command to *detect and remove* extremist *members* from its ranks, the military could also empower military *family members* to intervene.” (emphasis added)<sup>125</sup>

Why would the Army set non-clinical POTFF personnel and supervisors on unsuspecting Soldiers and their families? And, moreover, why would they characterize POTFF personnel as assets? As stated, this pronoun is typically reserved to represent humans when they are sources in an intelligence-gathering capacity prior to and during enemy engagements. This is the most important question that needs to be answered, ‘Why is the DOD weaponizing Social & Family Policy programs against our own Soldiers?’

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<sup>123</sup> See Enclosure f, “The Smartabase application will be used as the primary tool for recording POTFF care and services, *assessments* and other related activities (emphasis added),” USSOCOM Directive 10-12, Ch. 5 “Program Overview,” para. b., January 21, 2021.

<sup>124</sup> Ibid.

<sup>125</sup> See Helmus, Todd C., Ryan Andrew Brown, & Rajeev Ramchand “Help, Not Just Hunt, Violent Extremists in the Military,” *Rand.org*, August 5, 2021, *online at*: <https://www.rand.org/pubs/commentary/2021/08/help-not-just-hunt-violent-extremists-in-the-military.html>.

## THE OPERATION

To examine this, it must be acknowledged that our country is currently split as to whether the events of January 6<sup>th</sup> were an insurrection or not. In fact, our current President took a side on the issue in his inaugural address on January 20, 2021, when he said, “And here we stand, just days after a riotous mob thought they could use violence to silence the will of the people, to stop the work of our democracy, and to drive us from this sacred ground.”<sup>126</sup> In fact, he mentioned extremism twice in that speech as well. Once it is acknowledged that nearly half our country (including our Commander in Chief) believes (in error or not) that ‘January 6<sup>th</sup>’ was an “extremist threat,” we can better understand what is happening in our military today. The following two quotes explain well, the motivating factors behind what the military is doing: “The January 6, 2021, attack at the Capitol compelled the then-incoming Biden administration to *prioritize the issue of domestic extremism*”<sup>127</sup> (emphasis added) and “Combatting extremism in the military was a top priority for Defense Secretary Lloyd Austin early in the Biden administration.”<sup>128</sup>

This *concerted effort*, to identify extremists in the ranks, may be found in looking at what immediately preceded and followed our President’s inaugural statements, on January 20, 2021, which turned into an operation (**references to some stages of the “Military Decision-Making Process”<sup>129,130</sup> and “The**

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<sup>126</sup> See President Joseph R. Biden, Jr. inauguration speech, January 20, 2021, *online at*: <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/01/20/inaugural-address-by-president-joseph-r-biden-jr/>.

<sup>127</sup> See Doxsee, Catrina & Michelle Macander “Assessing the Pentagon’s Progress on Countering Extremism in the Military,” *Center for Strategic & International Studies* (April 8, 2022) *online at*: <https://www.csis.org/analysis/assessing-pentagons-progress-countering-extremism-military>.

<sup>128</sup> See Liebermann, Oren “US Army survey results underline ongoing struggles to combat extremism after Pentagon made it top priority, *CNN* (February 22, 2024), *online at*: <https://www.cnn.com/2024/02/22/politics/army-survey-extremism/index.html>.

<sup>129</sup> “Planning” is a subset of Stage 1 of the Operations process of the MDMP.

“The Military Decision Making Process (MDMP) is a United States Army seven-step process for military decision-making in both tactical and garrison environments. It is indelibly linked to Troop Leading Procedures and



Operations Process”<sup>131,132</sup> in bold and parenthesis; the aforementioned President’s comments is ‘step 1, Mission Receipt, ‘Alert Staff’):

1. January 1, 2021, Congress passed the WILLIAM M. (MAC) THORNBERRY NATIONAL Defense authorization act for FY 2021 that included 116-283 § 554, INSPECTOR GENERAL OVERSIGHT OF DIVERSITY AND INCLUSION IN DEPARTMENT OF DEFENSE; SUPREMACIST, EXTREMIST, OR CRIMINAL GANG ACTIVITY IN THE ARMED FORCES.<sup>133</sup> Section 554 created an “ADDITIONAL DEPUTY INSPECTOR GENERAL” (titled the “Deputy Inspector General for Diversity, Inclusion and Extremism”)<sup>134</sup>, for the

*conducting and supervising audits, investigations and evaluations of policies, programs, systems, and processes of the Department-(i) to determine the effect of such policies, programs, systems, and processes regarding personnel on diversity and inclusion in the Department; and (ii) to prevent and respond to supremacist, extremist, and criminal gang*

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Operations orders,” – from: “Military Decision Making Process”*Wikipedia*, online at: [https://en.wikipedia.org/wiki/Military\\_Decision\\_Making\\_Process](https://en.wikipedia.org/wiki/Military_Decision_Making_Process).

<sup>130</sup> See “Military Decision making process, organizing and conducting planning” *Center for Army Lessons Learned* (November 17, 2023) online at: <https://api.army.mil/e2/c/downloads/2023/11/17/f7177a3c/23-07-594-military-decision-making-process-nov-23-public.pdf>.

<sup>131</sup> The Operations Process encompasses Planning (MDMP is here), Preparation (drills/rehearsals/pilots is here), Execution, and Assessment.

<sup>132</sup> See Army Doctrine Publication ADP 5-0, “THE OPERATIONS PROCESS,” (May 17, 2012) online at: [https://armypubs.army.mil/epubs/DR\\_pubs/DR\\_a/ARN18126-ADP\\_5-0-000-WEB-3.pdf](https://armypubs.army.mil/epubs/DR_pubs/DR_a/ARN18126-ADP_5-0-000-WEB-3.pdf).

<sup>133</sup> See Pub. Law 115-283 Section 554, January 1, 2021.

<sup>134</sup> See the Deputy Inspector General of Diversity, Inclusion and Extremism, Theresa S. Hull, <https://www.dodig.mil/Biographies/Bio-Display/Article/2789715/theresa-s-hull/>.

*activity of a member of the Armed Forces, including the duties of the Inspector General under subsection (b).*,<sup>135</sup>

2. January 21, 2021, Rear Admiral<sup>136</sup> Collin P. Green, signs the U.S. Special Operations Command (USSOCOM) Policy 10-12;<sup>137</sup> (**end of Step 1, Mission Receipt, 'prepare initial warning order'**) the USSOCOM 10-12 Policy provided an overview of the Preservation of the Force and Family Program (POTFF), which directed the employment of installing human sources (assets) amongst the troops, centralize<sup>138</sup> all assessments and data gathered in the SMARTABASE, and perform "Comprehensive Health Surveillance,"<sup>139</sup>
3. February 5, 2021, Secretary of Defense Austin signs memorandum Directive for the 60-day window for a one-day "Stand Down to Address Extremism,"<sup>140</sup> (**Step 2, Mission Analysis, 'evaluate the threat'**) The stand-down meetings did not produce the intended results of self-identified extremists, incidents of extremism or "information about their peers" who may be

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<sup>135</sup> See "Countering Extremist Activity Working Group Report: Countering Extremist Activity Within the Department of Defense," Section 3., 1., (1.7), p. 16, *Defense.gov*, December 2021, *online at*: <https://media.defense.gov/2021/Dec/20/2002912573/-1/-1/0/REPORT-ON-COUNTERING-EXTREMIST-ACTIVITY-WITHIN-THE-DEPARTMENT-OF-DEFENSE.PDF>.

<sup>136</sup> Rear Admiral Collin P. Green, Chief of Staff of U.S. Special Operations Command (USSOCOM), was recommended by President Biden for promotion to the rank of Vice Admiral on October 27, 2021, which was confirmed by the Senate by voice vote on December 16, 2021 (he was the only promotion for consideration that day) and he was confirmed to become the Deputy Commanding Officer of USSOCOM. *See*: <https://www.congress.gov/nomination/117th-congress/1303>.

<sup>137</sup> See Enclosure f, "The Smartabase application will be used as the primary tool for recording POTFF care and services, *assessments* and other related activities (emphasis added)," USSOCOM Directive 10-12, Ch. 5 "Program Overview," para. b., January 21, 2021.

<sup>138</sup> DoD Directive 6490.02E, para. 10., c. (August 28, 2017), *online at*: <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/649002Ep.pdf?ver=2019-04-08-104448-613>.

<sup>139</sup> *Ibid.*

<sup>140</sup> See "Lloyd, Austin J. III "Memorandum from the Secretary of Defense: Stand-Down to Address Extremism in the Ranks" *Defense.gov* (February 5, 2021), *online at*: <https://media.defense.gov/2021/Feb/05/2002577485/-1/-1/0/STAND-DOWN-TO-ADDRESS-EXTREMISM-IN-THE-RANKS.PDF>.

extremists<sup>141</sup> and was considered by the troops “a waste of time,”<sup>142</sup> “ignited division among the ranks,”<sup>143</sup> “ineffective”<sup>144</sup> and “some felt targeted by the training.”<sup>145</sup>

4. March 1, 2021, the Office of the Director of National Intelligence published a report entitled, “Domestic Violent Extremism Poses Heightened Threat in 2021,” (**Step 2, Mission Analysis, identify critical facts and assumptions**) they conclude that “lone offenders or small cells ...are more likely to carry out violent attacks in the Homeland” and that “lone offenders will continue to pose significant detection and disruption challenges because of their capacity for independent radicalization to violence, ability to mobilize discretely, and *access to firearms* (emphasis added),”
5. April 9, 2021, “Secretary Austin issued a second memorandum<sup>146</sup> to ... direct the Countering Extremist Activity Working Group (CEAWG),”<sup>147</sup> (**Steps 3, 4 & 5, Mission Analysis, ‘Course**

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<sup>141</sup> This quote from an interview with *Washington Post* reporter Missy Ryan is illuminative: “I think it’s a sign of the fact that, number one of the sort of political pressure around this ...around this incident of January 6th, and around this phenomenon but also it’s a sign of fact that the military is acknowledging that they don’t have a great handle on this and that they are going to need the help of Service Members, not just to talk about the threats that they themselves face on a regular basis, but they are going to *rely on troops to provide information about their peers* (emphasis added) in certain instances and that is going to be a key tool in helping them to identify the extent of the problem.” *CBS News Live* (Feb. 5, 2021) *online at*: <https://www.bing.com/videos/riverview/relatedvideo?q=extremist+stand+down+failure&mid=D101ED9CF485B2AF5C2CD101ED9CF485B2AF5C2C&FORM=VIRE>.

<sup>142</sup> See Wentling, Nikki, *Military Times*, (November 30, 2023), *online at*: <https://www.militarytimes.com/flashpoints/extremism-disinformation/2023/11/30/extremism-stand-down-checked-a-box-with-no-lasting-result-critics-say/>.

<sup>143</sup> *Ibid.*

<sup>144</sup> See page 11, fifth listed bullet point of “Prohibited Extremist Activities in the U.S. Department of Defense” *Institute for Defense Analyses* (December 27, 2023), *online at*: <https://www.ida.org/-/media/feature/publications/p/pr/prohibited-extremist-activities-in-the-us-department-of-defense/p-33076.ashx>

<sup>145</sup> *Ibid.*

<sup>146</sup> See Austin, Lloyd J., III “Memorandum from the Secretary of Defense: Countering Extremist Activities within the Department of Defense,” *Defense.gov* (Dec. 20, 2021) *online at*: <https://media.defense.gov/2021/Dec/20/2002912574/-1/-1/0/SECRETARY-OF-DEFENSE-MEMORANDUM-ON-COUNTERING-EXTREMIST-ACTIVITIES-WITHIN-THE-DEPARTMENT-OF-DEFENSE.PDF>

<sup>147</sup> See “Countering Extremist Activity Working Group Report: Countering Extremist Activity Within the Department of Defense,” *Defense.gov*, December 2021, *online at*:

**of Action Development, Analysis and Comparison**) U.S. Special Operations Command reiterates the “Diversity and Inclusion” edict of the law and couched extremism with words like “discrimination,” “harassment” and “assault,”

6. June 25, 2021, U.S. Army Special Operations Command (USASOC), BG Beaudette’s Warfighter for Life Memorandum in June 2021,<sup>148</sup> (**Step 6, Course of Action Approval, ‘Commander issues the final planning guidance’**) it clearly states that this is a research mission and one of the four objectives is Diversity, Equity and Inclusion (DEI), which has been comingled with extremism in the prior IG position formation and is comingled later in the Institute for Defense Analytics document (more evidence of this can be found in a Congressional Research Service document<sup>149</sup>),
7. June 25, 2021, USASOC Director of Human Performance and Wellness Director, COL Mark D. Ray areas of research interest memorandum,<sup>150</sup> (**Step 7, Orders Production, Dissemination, Transition, ‘complete the plan,’ ‘transition to preparation’**) the Director of HPW reiterated the same research efforts as his boss (para. 6. above) and refined the DEI to focus on the gender issue subset,
8. FY2021, (**The Operations Process, ‘conventional battle drills’**). “H2F began the initial fielding of 28 BDEs in fiscal year (FY) 2021 and will continue to deploy H2F capabilities to a total of 110

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<https://media.defense.gov/2021/Dec/20/2002912573/-1/-1/0/REPORT-ON-COUNTERING-EXTREMIST-ACTIVITY-WITHIN-THE-DEPARTMENT-OF-DEFENSE.PDF>.

<sup>148</sup> “A longitudinal study (or longitudinal survey, or panel study) is a research design that involves repeated observations of the same variables (e.g., people) over long periods of time (i.e., uses longitudinal data).” *from: “Longitudinal study” Wikipedia, online at: [https://en.wikipedia.org/wiki/Longitudinal\\_study](https://en.wikipedia.org/wiki/Longitudinal_study).*

<sup>149</sup> See “Military Personnel and Extremism: Law, Policy, and Considerations for Congress,” *Congressional Research Service*, IN11086 version 3, (May 16, 2019), *online at: <https://crsreports.congress.gov/product/pdf/IN/IN11086/3>.*

<sup>150</sup> See Enclosure g, “United States Army Special Operations Command (USASOC) Warfighter For Life Alliance Research Areas of Interest, COL Mark Ray, Human Performance and Wellness Director, June, 25, 2021.

AC BDEs through FY 2030”<sup>151</sup> that include mandated meetings with non-clinical personnel gathering data and Golden Triangle implementations.

9. September 13, 2021, Rear Admiral Collin P. Green, signs USSOCOM Policy Memorandum 21-18, **(Step 6, Course of Action Approval, ‘Commander approves Course of Action’)** this document outlines the management of the Social & Family Programs and how they want to penetrate families for “behavior modification,”
10. December, 2021, the Countering Extremism Working Group published their Report and DoD Instruction 1325.06, “Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces”<sup>152</sup> was updated and made effective, **(The Operations Process, ‘confirmation brief,’ assume everyone is hostile)** in reality, everyone is not a suspect until reasonable adjudicated probable cause indicates otherwise, which is what they are assuming by coercing everyone to participate in their screening and assessment programs to include warrantless social-media algorithms looking for “liking”, “favoriting,” and “emojis,” “implying endorsement”<sup>153</sup> of prohibited activities,
11. May 10, 2022, DoD Inspector General published a report entitled, “Evaluation of Department of Defense Efforts to Address Ideological Extremism Within the Armed Forces,”<sup>154</sup> **(The Operations Process, conduct rehearsals,’ intelligence troops battle drills)** Office of the Under

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<sup>151</sup> See “U.S. Army H2F Holistic Health and Fitness, Soldiers Readiness System” *Department of Defense, Center for Lessons Learned*, No. 23-06 (784) (June 2023), *online at*: <https://api.army.mil/e2/c/downloads/2023/06/05/25e44ff1/23-06-784-holistic-health-and-fitness-handbook-jun-23-public-release-1.pdf>.

<sup>152</sup> See DoD Instruction 1325.06, “Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces” (December 20, 2021), *online at*: <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/132506p.pdf>.

<sup>153</sup> See Glossary, “liking” of DoD Instruction 1325.06, “Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces,” December 20, 2021, <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/132506p.pdf>.

<sup>154</sup> See “DoD Inspector General report: Evaluation of Department of Defense Efforts to Address Ideological Extremism Within the Armed Forces,” *Defense.gov* (May 10, 2022), *online at*: [https://media.defense.gov/2022/May/12/2002995443/-1/-1/1/DODIG-2022-095\\_REDACTED.PDF](https://media.defense.gov/2022/May/12/2002995443/-1/-1/1/DODIG-2022-095_REDACTED.PDF).

Secretary of Defense for Intelligence and Security are now in trials with “social-media screening pilot programs involve[ing] ‘sentiment analysis’”<sup>155</sup>

12. On December 27, 2023, DoD released a report entitled, “Study on Extremist Activity within the Total Force,” a year and a half after its completion, that “focus more on steps that could be taken to address underlying causes of extremist behavior than on punitive responses to such behavior,”<sup>156</sup> using an evidence-based approach entitled, “Structured Professional Judgment,”<sup>157</sup> **(The Operations Process, ‘the transition brief,’ reiterate civil affairs mission “culture change”)** “Many of the recommendations in this report call for comprehensive cultural change that cannot be accomplished through a single action but will require a *concerted effort* over a period of time [emphasis added],”<sup>158</sup>
13. Presently, unlawfully executed piloted programs are being deployed throughout our military as exemplified in the associated complaint **(The Operations Process, ‘Operational Order (OPORD)’ issued, go, go go!)** this is where we are now: human sources placed among the Soldiers; intrusive phone calls to their “friends and family;”<sup>159</sup> mandated non-clinical assessments in centralized databases, and; warrantless *carte blanc* social-media searches. Essentially everyone is a suspect of extremism until the longitudinal data and intermittent subjective assessments

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<sup>155</sup> See Ibid, Appendix B. “Other Matters of Interest ...DoD Efforts to Screen Social Media of Members of the Armed Forces for Extremist Activity. (para. 6)”

<sup>156</sup> See “Institute for Defense Analysis report: Prohibited Extremist Activities in the U.S. Department of Defense,” *IDA.org* (completed June 2022, released December, 2023), *online at*: <https://www.ida.org/-/media/feature/publications/p/pr/prohibited-extremist-activities-in-the-us-department-of-defense/p-33076.ashx>.

<sup>157</sup> See of “Prohibited Extremist Activities in the U.S. Department of Defense” *Institute for Defense Analyses*, (December 27, 2023), p. 85 “three major approaches.” *online at*: <https://www.ida.org/-/media/feature/publications/p/pr/prohibited-extremist-activities-in-the-us-department-of-defense/p-33076.ashx>.

<sup>158</sup> See Ibid at p. vii.

<sup>159</sup> “Peers (friends and family) are best positioned to identify and report concerning behaviors; thus, their roles in recognizing such behavior are critical to prevention (and speaks to DHS’s support of community resiliency).” – *from*: Ibid. at p. 103

continue to find them not to be; we all must agree and comply with the DEI premise or you are an extremist. Merit no longer matters.

### **GONE FISHING?**

The military appears to be modeling this operation after the National Threat Assessment Model published in the Institute for Defense Analysis report, “Prohibited Extremist Activities in the U.S. Department of Defense,”<sup>160</sup> which was completed in June 2022, and released in December 2023. Despite the fact that studies show only a few Soldiers are actual extremists, all are subjected to this unlawful fishing expedition. The hunt for extremism is on and is exemplified in Recommendation 2 of the IDA document which reads, “Consistently link prohibitions on extremist behaviors and activities to a broader context, emphasizing the need to bridge differences and continue to build a united, disciplined fighting force comprising of individuals with diverse backgrounds and opinions.” In other words, ‘recruit and purge for a like-minded Army.’ Isn’t this selective diversity? What if you don’t see the race or gender and only care that the Soldiers beside you are competent; is that not a diverse opinion?

### **ALL VOICES MUST BE HEARD**

To that end, the Citizenry must defend our Civil Liberties and Rights and the penumbra of Privacy<sup>161</sup> that has been argued to exist within our Constitution. To that end, we must allow ‘the Privacy needs of the many to outweigh the mental health needs of the few,’<sup>162</sup> or we may pave the road for unelected

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<sup>160</sup> See Ibid, at page 104, figure 22.

<sup>161</sup> Warren, Samuel D., Louis D. Brandeis “The Right to Privacy” *Harvard Law Review*, (December 15, 1890), online at: <https://www.jstor.org/stable/1321160>.

<sup>162</sup> The SPRIRC actually believes the opposite construct, as they stated: , “Initially developed (PL 112-239 § 1057 amending PL 111-383 § 1062) to prevent the unconstitutional infringement of service members’ right to acquire, possess, and use firearms when not on DoD property, multiple policy officials, law enforcement personnel, leaders,

bureaucrats and military leaders to gain subjective favor over our Soldiers. There are plenty of citizens who will consciously, or not, provide consent to these invasions of their thoughts to allow the scrutiny of the assessments from others for a perceived (real or not) greater good; but our laws protect those who choose to protect their thoughts and wish to be given the required choice to give informed *consent* (or 'opt-out).'

### THE PURGE

There is a contrary penumbra of concerted efforts within our military that, if ignored, could produce irreparable damage to our democratic republic from the inside out by giving undeserved power to the few in control of these programs. In world history, this has usually produced an environment conducive to the replication of the many historical purges.<sup>163</sup> Most of us are aware of Nazi Germany's debilitating socio-economic calamity. Another purge can easily be accomplished with a slow and steady implementation of illicit programs by gradually gathering waves of Soldiers that growingly ignore the Privacy violations embedded within pilot programs systematically ordered in the ranks; after all, they signed up to dutifully follow lawful orders (not unlawfully hidden ones). This Soldier is not ignoring these violations as they are egregious and I have found out they are increasingly malignant; selfishly, I don't want to have to argue why these programs were essentially a "Thousand Flowers"<sup>164</sup> plot after the fact.

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and military researchers indicated that legal interpretations of this provision have severely impeded DoD efforts to understand and prevent military suicides.,” – *from*: “Preventing Suicide in U.S. Military: Recommendations from the SPRIRC” *Defense.gov* (2022) *online at*: <https://media.defense.gov/2023/Feb/24/2003167430/-1/-1/0/SPRIRC-FINAL-REPORT.PDF>.

<sup>163</sup> “Category: Political and cultural purges” *Wikipedia, online at*: [https://en.wikipedia.org/wiki/Category:Political\\_and\\_cultural\\_purges#:~:text=Articles%20relating%20to%20political%20and,is%20labeled%20as%20purging%20itself](https://en.wikipedia.org/wiki/Category:Political_and_cultural_purges#:~:text=Articles%20relating%20to%20political%20and,is%20labeled%20as%20purging%20itself).

<sup>164</sup> "The "Thousand Flowers" Fallacy (also, "Take names and kick butt."): A sophisticated, modern "Argumentum ad Baculum" in which free and open discussion and "brainstorming" are temporarily allowed and encouraged (even demanded) within an organization or country not primarily in order to hear and consider opposing views, but rather to "smoke out," identify and later punish, fire or liquidate dissenters or those not following the Party Line. The name comes from the Thousand Flowers Period in Chinese history when Communist leader Chairman Mao Tse Tung



An alternative to this bleak outcome is to simply follow the foundations of our Constitution and common sense; predominantly a meritocracy is what has built our Country. Until recently, by refusing to look at race and other irrelevant factors in promotion in our military, we have had the world's best fighting force, with the right people in the right jobs. By focusing on merit alone, we provide all with equal opportunity without falling into the trap of promoting "equity." No one should be forced to be assessed by non-clinicians for possible referral to a clinical psychologist and then considered for administrative separation if they disagree on the difference between DEI definitions and instead believe that all people should be protected equitably under our Constitution and have an equal opportunity to pursue our personal goals or "happiness." Our laws (under our constitution) judge people for wrongful actions that they have committed, not for their thoughts, and not for the crimes they might commit in the future. Compelling members of the military to face subjective bureaucratic scrutiny of their personal beliefs undermines our entire constitutional system of limited government and stunts candid idea generation.

### **ADDRESS THE PURPORTED RHETORIC**

However, the following argument will show there is a dangerous use of the logical fallacy of "Blind Loyalty"<sup>165</sup> in use, because, 'Who wouldn't want to reduce suicides?' Yet, we, as a Citizenry, must require that research data being gathered through these unlawfully implemented "assessment tools" be

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applied this policy with deadly effect.," –from "Master List of Logical Fallacies" *University of Texas at El Paso*, online at: <https://utminers.utep.edu/omwilliamson/ENGL1311/fallacies.htm>.

<sup>165</sup> "**Blind Loyalty** (also Blind Obedience, Unthinking Obedience, the "Team Player" appeal, the Nuremberg Defense): The dangerous fallacy that an argument or action is right simply and solely because a respected leader or source (a President, expert, one's parents, one's own "side," team or country, one's boss or commanding officers) says it is right. This is over-reliance on authority, a gravely corrupted argument from ethos that puts loyalty above truth, above one's own reason and above conscience. In this case a person attempts to justify incorrect, stupid or criminal behavior by whining "That's what I was told to do," or "I was just following orders.".," from "Master List of Logical Fallacies" *University of Texas at El Paso*, online at: <https://utminers.utep.edu/omwilliamson/ENGL1311/fallacies.htm>.

brought back under the peoples' laws and not implemented at the whims or recommendations of the Defense Science Board's 2012 extremist recommendations (by researchers' own definitions).<sup>166,167</sup>

In fact, before this recent push towards this coercive holistic initiative, the DoD screened Soldiers annually for suicidal and homicidal ideations during mandated annual Periodic Health Assessments (PHAs), which is supported by the NDAA of 2015.<sup>168</sup> Then, mandatory in-depth screenings also occur pre- and post-deployment supported by a separate law.<sup>169</sup> Moreover, drug testing is in use. But these efforts were not seen as enough by the President in his stated intent of rooting out extremism in the wake of the events of January 6<sup>th</sup>, which has led his administration to undergo a radical expansion of anti-extremism programs; I have personally identified three Brigade-sized elements (and the 28<sup>th</sup> the Army purports<sup>170</sup>) that has implemented the piloted roll-out of these holistic, evidence-based healthcare pilot programs with these embedded behavioral questionnaires<sup>171</sup> (528<sup>th</sup> Brigade being the third). They have occurred regardless of the current privacy laws in place, to fight an internal foe that the Armed Services

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<sup>166</sup> Note that the definition of extremist activity includes "Advocating DOD personnel ...to violate U.S. laws.," according to slide #5 of "Insider threat and extremist activity within the DOD" *Center for Development of Security Excellence, Defense Counterintelligence and Security Agency*, online at: <https://www.cdse.edu/Portals/124/Documents/jobaids/insider/Insider-Threat-and-Extremist-Activity-DOD.pdf>

<sup>167</sup> See DoD Instruction 1325.06, para. (8)(c)(1)€, "Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces," December 20, 2021, <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/132506p.pdf>.

<sup>168</sup> See PL 113-291, Sec. 730, the "Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act of 2015, December 19, 2014.

<sup>169</sup> See 10 USC § 1074f, "Medical tracking system for members deployed overseas."

<sup>170</sup> See "U.S. Army H2F Holistic Health and fitness, soldieres readiness system" *Department of Defense :Center for Lessons Learned*, No. 23-06 (784), June, 2023, online at: <https://api.army.mil/e2/c/downloads/2023/06/05/25e44ff1/23-06-784-holistic-health-and-fitness-handbook-jun-23-public-release-1.pdf>.

<sup>171</sup> "We must ensure sustained execution of these tasks, which may include advancing evidence-informed strategies or pilot programs already in place and investments across the Department,".- from Austin, Lloyd J. "Secretary of Defense memorandum: New DOD Actions to prevent suicide in the military" (Sep. 26, 2023) online at: <https://media.defense.gov/2023/Sep/28/2003310249/-1/-1/1/NEW-DOD-ACTIONS-TO-PREVENT-SUICIDE-IN-THE-MILITARY.PDF>

Committee has even requested the Department of Defense to curtail.<sup>172</sup> Hence, our enemy got renamed from “extremism” to “suicide” with the same outcomes.

### THE WARNINGS

As mentioned earlier, the Army is tracking and reporting their massive success in creating a “culture of assessment.”<sup>173</sup> They accomplish this using official orders for personal identifiable research data collection before federal legislation is codified to do so. This is dangerous for our society. I agree with the warning supplied by the two Co-Chairs, to the Chair of the Defense Science Board, Dr. Paul Kaminski, which states,

*The Department [of Defense] should take action to provide a more concise, thorough understanding of actual (as opposed to perceived) limitation on the sharing of information (emphasis added).*<sup>174</sup>

I also agree with RAND Corporation’s explanation that:

*..., the military should avoid using its community support services as an extension of law enforcement. Chaplains, mental health counselors, and FRGs should support personnel and their families versus collecting evidence on individuals for future law enforcement actions. These*

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<sup>172</sup> See Lawrence, Elizabeth “Senate committee calls on Pentagon to halt anti-extremism efforts ‘immediately’” *American Military News* (July 20, 2022), online at: <https://americanmilitarynews.com/2022/07/senate-committee-calls-on-pentagon-to-halt-anti-extremism-efforts-immediately/>.

<sup>173</sup> See CASAL, *Annual Study of Army Leadership* (July 2022). Note: This 161 page report is available upon request, but it is not online.

<sup>174</sup> See “Predicting Violent Behavior,” *Defense Science Board* (August 2012) online at: <https://irp.fas.org/agency/dod/dsb/predicting.pdf>.

*services can help provide information about misinformation, patterns, and external groups but must not undermine their own efforts, ethics, or professional standards.*<sup>175</sup>

Notably, to the contrary to both of these statements, Congress gave the Secretary of Defense the authority to institutionalize Soldiers, as follows:

*SUICIDE PREVENTION EFFORTS.—The Secretary of Defense is authorized to take any necessary measures to prevent suicides by members of the Armed Forces, including by facilitating the access of members of the Armed Forces to successful non-governmental treatment regimen.*<sup>176</sup>

We should not allow our Department of Defense to ignore lawful safeguards<sup>177</sup> in order to stretch a Congressional mandate, just for proof-of-concept reporting to justify future amendment to laws as the 2012 Defense Science Board report or the SPRIRC has stated. Nor should they *not* follow their own Civil Liberties Program policy that states, “It is the DoD Policy to... Consider appropriately privacy and civil liberties in the review, development, and implementation of new or existing laws, regulations, policies, and initiatives.”<sup>178</sup> Nor, should they label every Soldier, who prefers to not look at fellow Soldier’s immutable racial characteristics, but instead their merit to the mission, as extremists, per

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<sup>175</sup> See “Cautionary Points on Implementation,” *Reducing the Risk of Extremist Activity in the U.S. Military*, (RAND Corporation, September 2021), *online at*: [https://www.rand.org/content/dam/rand/pubs/perspectives/PEA1400/PEA1447-1/RAND\\_PEA1447-1.pdf](https://www.rand.org/content/dam/rand/pubs/perspectives/PEA1400/PEA1447-1/RAND_PEA1447-1.pdf).

<sup>176</sup> See Pub. Law 114-93 § 591 (b).

<sup>177</sup> See DoDM 6025.18(Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy rule in DOD Health Care Programs” (March 13, 2019), *online at*: <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/602518m.pdf?ver=2019-03-13-123513-717>. Also see 5 USC § 552a.

<sup>178</sup> See Department of Defense Instruction (DoDI) 1000.29, (DoD Civil Liberties Program), *with red-lined incorporating changes* (November 26, 2014), *online at*: <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/100029p.pdf>.

Recommendation 2<sup>179</sup> (found in the INSTITUTE FOR DEFENSE ANALYSES, which clearly states that implied connection). Nor, should I, as a coerced human subject and a Soldier (who understands these issues), be administratively separated because I was forced to question these unlawful actions (found in my herein and in the associated COMPLAINT) to provide my informed consent determination, because of the Army's failures through my Chain of Command's bias and being forced into an Administrative Separation for fulfilling my implied and appointed duties (demanded by my contract).

 3/27/24

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<sup>179</sup> “Recommendation 2: Consistently link prohibitions on extremist behaviors and activities to a broader context, emphasizing the need to bridge differences and continue to build a united, disciplined fighting force comprising of individuals with diverse backgrounds and opinions.” – *from*: “Prohibited Extremist Activities in the U.S. Department of Defense” *Institute for Defense Analyses* (December 27, 2023), *online at*: <https://www.ida.org/-/media/feature/publications/p/pr/prohibited-extremist-activities-in-the-us-department-of-defense/p-33076.ashx>.