

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Cr. No. 23-CR-158 (ARR)(TAM)

-against-

KATHLEEN BREault and
KELLY McDERMOTT,

AFFIDAVIT OF KATHLEEN
BREault IN SUPPORT OF
MOTION TO DISMISS
INDICTMENT

Defendants.

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STATE OF NEW YORK)
) ss:
COUNTY OF)

KATHLEEN BREault, of full age, being duly sworn, deposes and says:

1. I am one of the defendants in the above-captioned criminal action.
2. I make this affidavit in support of my motion seeking dismissal of the Indictment against me.
3. I graduated from Maria College in 1978 with an Associate Degree in Applied Science in Nursing. I received my Certificate in Midwifery from SUNY Downstate, Brooklyn, in 1993. I worked as a nurse from 1980 to 1992. From 1993 to 2009, I worked as a Hospital Midwife in several upstate New York hospitals, as well as in Bennington, Vermont. In 2009, I started a home-birth practice –Safe Passage Midwifery – and practiced throughout Upstate New York. In 2011-2012, I assisted in establishing the first free-standing birth center in Kerala, India.
4. The Indictment claims that I was “a provider” under a federal vaccination program. I was not a “provider” under either the CDC program or under the NYS DOH program.

5. I believed in vaccinations for decades. But, eventually, I came to realize that some vaccines are more harmful than beneficial and some can be deadly. I had deep regret about the fact that as a hospital employee in an OB/GYN practice, I had unwittingly promoted one of the most dangerous vaccines of all - the HPV vaccine. I became involved in local vaccine activism, attended rallies and lobbied the NYS legislature with other activists during the next several years.

6. When the covid vaccine was released, New York promulgated various executive orders [no legislation] requiring that residents had to have a vaccine card to work, travel, see family members, shop. I knew right away that there was no way that these novel, experimental vaccines were any safer than conventional vaccines. There were reports of serious injury and deaths immediately after the rollout of the vaccine. Despite the fact that an extraordinary number of vaccine injuries and deaths have been reported to the VAERS system (there has been a strong "safety signal" which has not been investigated by the CDC), the vaccines were still being falsely touted as "safe and effective".

6. The Indictment alleges that I defrauded the United States; but I had concluded that the federal program deprived people of the right to make individual choices and violated the laws of my own state, New York, which I understood prohibited mandatory vaccinations. I did not knowingly interfere with a lawful government function. Those who sought me out did not want to be subjected to the vaccines, because of sincerely-held religious beliefs which prevented them from being vaccinated, and, even more often, due to medical conditions imperiled by the vaccinations. Some simply did not trust those sponsoring this program. However, the government provided no alternative and they feared severe consequences if they followed their conscience, such as loss of their jobs, incomes and homes.

7. The government claims that my conduct was part of a “scheme to fraudulently obstruct the government’s administration and distribution of COVID-19 vaccines”, and that I “solicited individuals including individuals residing in the Eastern District of New York, to attend appointments at Sage-Femme to receive false and fraudulent documents of having a received a COVID-19 vaccine.” These are unsupported assertions and, without detail, rendering me unable to properly mount a defense to these false allegations.

8. I strongly believe that I am simply a scapegoat for deep and abiding public rejection of the vaccine mandates, which the legislature of my home state of New York had outlawed in no uncertain terms.

9. In addition, I acted out of my conscience. My goal was to assist those who had already formulated their own opposition to vaccination and did not want to experience the myriad of hardships which would otherwise have been visited upon them. I did not then believe the vaccines inhibited the spread of COVID-19. Now, no one in authority makes this oft-repeated claim. Nor did I not believe facilitating the life choices these people made would create any public health danger. In my mind, the federal government was not engaging in a lawful function with which I was interfering. It was interfering in state matters, like public health and safety, and imposing rules which were contrary to the rights of New Yorkers.

10. I am being wrongfully subjected to criminal prosecution by a federal agency – the Department of Justice – for engaging in actions consistent with the laws of New York, i.e., protecting its citizens from the overreach of the federal government in violation of New York State law.

11. Contrary to the allegations in the Indictment, I did not “solicit” others to join my “cause”. Rather, I felt it was my moral obligation in an immoral situation to help

obtain vaccine cards for those who wanted to avoid potential injury and death from the "emergency use" vaccines and, at the same time, avoid the very real consequences, such as loss of their jobs, their homes, and their ability to support their families.


Kathleen Breault

Sworn to before me this 11th
day of October, 2023.


Notary Public

MICHAEL HOWARD SUSSMAN
Notary Public, State of New York
No. 02SU6332584
Qualified in Orange County
Commission Expires Nov. 09, 2023