

# COVID-19 mRNA Injections are Legally Not Vaccines! – By Dr. David E. Martin



This is a talk by David E. Martin Ph.D. He is the developer of several innovation-based quantitative indices of public equities and the founder of the Purple Bridge Funds and M-CAM International. He has worked closely with the United States Congress and numerous trade and financial regulatory agencies in the United States. Dr. Martin is also a Batten Fellow at the University of Virginia's Darden Graduate School of Business Administration. (Quoted from <https://z3news.com/w/david-martin-presents-evidence-corona-virus-manmade/> )

## **Transcript of David Martin's talk**

(Dr. Martin:) January 11, 2021, at least got the date, right? We're not in December anymore.

Today, hey, by the way, thanks, everybody, for the last six weeks that that series has been shared a lot, we've gotten a lot of great feedback. So thank you, everybody, who has been a huge part of our six-week series on the integral accounting view of what's next. That's been a really wonderful experience. Today, we're diving back into some really important stuff. And there are a number of you who have been asking questions about the status of legal proceedings, and so forth. And, and today, I'm going to give give you a little window into a couple of the approaches that are going on in various lawsuits. We're not commenting specifically on lawsuits right now that are active and pending simply because that's just not an appropriate thing to do. Other than to say, there are active and pending cases.

But today is a really weird one, people. And I have to say, you know, back in the early 1990s, I was doing clinical trials at the University of Virginia medical school. And I happened to be working in a very controversial medical technology area called electromagnetic field therapy or EMF. And historically, I mean, if you go back for decades, there's been all kinds of disputes around whether or not that technology works or not.

And so we were doing a multi-center clinical trial for a Japanese company. And I became very aware of 15 US Code Section 41, which is part of the Federal Trade Commission Act, that specifically has to do with advertising that a product or service can prevent, treat or cure human disease unless you possess competent, reliable scientific evidence, including when appropriate, well-controlled human clinical studies substantiating that the claims are true at the time they're made. So there's a rule under the Federal Trade Commission Act, and it has been used to shut down alternative medicine for years like you know, people who have been naturopaths, people who have been chiropractors, people who have been in any of the what are considered to be kind of alternative medical spaces have become very familiar with this, because it's the way the Federal Trade Commission shuts people down. confiscates materials, confiscates businesses, does some really egregious acts. And it occurred to me that no one seems to be talking about this when it comes to what is being promoted in the current regime!

And so, I thought, we're going to take a look into 15 US Code Section 41 today. And the reason for this is twofold. Number one is because it's important. Number two, is because I think that we need to call out a very important thing. So there's a part of the Federal Trade Commission Act, which also has to do with what's called deceptive labeling practices. It's when you use terms or phrases or words where you know that you are using them with an intent to deceive, deceptive medical practices. And so today, we're going to take apart a couple of the deceptive medical practices, and suggest that if any of you, and this is now a specific challenge, people, listen, we've been doing 39 of these videos.

Somebody who's watching this video knows an elected official, somebody watching this video knows a prosecutor, whether that's a US Attorney, whether that's an Attorney General in a state, somebody in the viewing of this video knows somebody who needs to listen to this video. And I'm going to really encourage you to share this, because it's actually super important. Listen, if this law can be applied to shut down people of goodwill, who are trying to help other people, it certainly should be equally applied when we know deceptive medical practices are being done in the name of public health. And we're going to get to that.

But Kim, let's start off with both of us worked in hospitals. Both of us worked in medical centers. As a condition of employment, you had to have shots, right?

(Kim:) Yeah, definitely had to have shots that have hep B and a few others. That was a bit way back in the day. But yeah, we had to have, all of us had to have as to be a nurse. You had to have shots done.

(Dr. Martin:) Yeah, I mean, at the Medical Center at the University of Virginia, you know, hep B was a standard. If you didn't have hep B, you know, you had no patient interaction. How about when you were in your own business?

(Kim:) No, not when I was running my own business, because I wasn't employed by a hospital. I did my own assessments of my own group of nurses. And we didn't have to because I was the boss.

(Dr. Martin:) Yeah. But there are people. I mean, let's be really clear. There are people for whom vaccines and various medical measures are a requirement for employment. And that's a really interesting problem where you get forced into doing something, and that made me think. Somethings troubled me. And the thing that's troubled me is that both Pfizer and Moderna have been promoting what they call a "vaccine".

Now, for those of you who don't really think about it, you have thought about it, because the public thinks that when you say vaccine, one of at least two things is happening. First is, whatever you're getting is going to keep you from being infected by some sort of pathogen. So that's assumption number one. Assumption number two, is that somehow or another, if you get that vaccine, somehow you're doing your public health bit to make sure that you don't transmit it to other people, right? Am I going out on a limb here? The word "vaccine" kind of means that.

And let's let's go back in history a little bit, shall we? Let's go back to 1905, to the very, very, very, very, very famous Jacobson case in Massachusetts (Jacobson v. Massachusetts Ref: [https://en.wikipedia.org/wiki/Jacobson\\_v.\\_Massachusetts](https://en.wikipedia.org/wiki/Jacobson_v._Massachusetts)), the Supreme Court 1905. And I'm going to read the quote, because I think it's important,

"This Court has more than once recognized as a fundamental principle, that persons and property are subjected to all kinds of restraints and burdens in order to secure the general comfort, health, and prosperity of a state."

So what the Supreme Court and Jacobson said was that the police powers the public health powers were legitimate if they secured the general comfort, health and prosperity of the state. That implies that the individual benefit is superseded by a collective benefit, that somehow or another, the individual is not the point when it comes to public health laws, it's about the community, which would then suggest that to meet a vaccine public health standard, and quite frankly, a vaccine public health definition, something about either you are immune from getting a pathogen or and potentially and, you are not going to transmit the pathogen, must be part of what lives inside that definition. That couldn't be more straightforward than the Supreme Court of the United States in 1905, which, by the way, happens to be a decision that I have yet to even meet many attorneys who have bothered reading it. They talk about vaccine litigation. But I haven't heard many that can actually quote the majority opinion out of Jacobson, which is a very dangerous problem that we have.

But here's where it gets more interesting. So when Moderna was started, and if you go back and look at their SEC filings, and we've gone through all their SEC filings, they make a point of saying that their technology is a gene therapy technology, gene therapy technology, you'll notice that they don't say vaccination, they actually say gene therapy technology. And it was set up to be a cancer treatment. So this is gene therapy, chemotherapy.

Now, let's just stop for a minute. Let's just ask the question. If Anthony Fauci got up and said to everybody, "Hey, we want you to take chemotherapy for the disease that you may or may not ever have." There wouldn't be a

single person raising their hand, the prophylactic chemotherapy, you wouldn't be doing it. You know why you wouldn't be doing it? Because it's a dumb idea, that's why you wouldn't be doing it. And, States wouldn't be able to mandate it and employers wouldn't be able to mandate it, no employer would be able to mandate a chemotherapy for a disease that you don't have. That would not be a legal thing to do. But they called their technology, gene therapy technology. They made a big point of saying that this was not investigational new drugs, this was gene therapy technology. This belonged in the Center for Biologics, potentially even the CDRH, the Center for Device and Radiological Health, because let's think about what they actually do. And by the way, this is super important. All the references are going to be in this video on the YouTube channel. And I'm going to put a bunch of the references actually, in the comments section on Facebook Live so that you can go see this yourself.

But what they're doing is they're putting together a synthetic fragment of nucleic acid, it's not mRNA. It's not natural. It's not even a natural component of a fragment. It's a synthetic fragment, it's a technology embedded within a fat carrier, a peg carrier, and that is being introduced into the cell not to induce a immunity from infection with a SARS COVID virus, and it's not to block transmission of it. It's actually to lessen symptoms associated with the S1 spike protein, not even the virus itself. So it gets better and or worse, depending on your point of view. The fact of the matter is this thing is actually not a vaccination.

Now, why would I say it's not a vaccination? People go, "Dave? Why would you say it's not a vaccination?" Well, let's look at the legal standard for what a vaccination is. And let's start with the Center for Disease Control's own definitions, why not start with the people who run the racket?

Two important operative definitions: Immunity is protection from an infectious disease, protection from an infectious disease. If you are immune to a disease, you can be exposed to it without becoming infected. Now, by definition, neither Pfizer nor Moderna even claims that to be the case. That's straight-up, not their definition. So immunity, you can be exposed to a pathogen infectious disease without becoming infected. Not only is that not the case, we're going to get to this in a minute, but in their clinical trials, they specifically say they're not going to test that. So stay with me on that.

And then the CDC says a vaccine is a product that stimulates a person's immune system to produce immunity, see the definition above, to a specific disease protecting the person from that disease. And then it says vaccines are usually administered through needle injections, but also can be administered by mouth and sprayed in the nose. Now, that's the CDC.

So let's just stipulate for the sake of this conversation, that the CDC has its own definition, and what Pfizer and Moderna are doing, do not match.

And by the way, you should be thinking somewhere in this video, hold on a second. If this isn't a vaccine, why are they calling it a vaccine? That's a question. You should be thinking in your head because we're going to come to that in a second.

But I thought, okay, CDC, CDC is not the law. CDC is an expression of an agency, empowered by the law, but it's actually not the law. So why don't we actually look at the laws where vaccine has been defined? And it turns out, that's a much harder exercise than you would think. Because vaccine The term is actually not a legally defined term in an enormous number of statutes that govern vaccines, which is actually a really interesting thing. But let's look at some examples. And I just pulled a couple examples from the Iowa code. Vaccine, and I'm quoting means a specially prepared antigen administered to a person for the purpose of providing immunity.

Immunity once again, the operative definition, which is to say that when exposed to a pathogen, you are not susceptible. That's the Iowa code. How about Washington State? You know, the State that has been absolutely tyrannical and all of its interventions around Coronavirus, allegedly the birthplace of the US experience with Coronavirus, State of Washington. Vaccine legally defined term now, this is in the statute, means a preparation of a killed or attenuated living microorganism or fraction thereof, just Just stop right there, vaccine means a preparation of a killed or attenuated living microorganism. Stop right there. And mRNA synthetically developed by Moderna and Pfizer do not meet this definition. bOr a fraction thereof, it's not a fraction of a living thing or a killed thing, because it's neither living nor killed. They are explicitly synthetic gene therapies. **They are not vaccines as defined by the statute that upon administration stimulates immunity.** There we have it, again, that stimulates immunity, meaning that you do not get a thing when exposed to that pathogen, right? That protects us against disease and is approved by the Federal Food and Drug Administration and safe and effective. Now, that's the State of Washington statute. And by the way across the board, that's the definition of vaccine, which means immunity is a defined term vaccine is a defined term.

But here comes a really big problem. The big problem is that if we look at the clinical trials that were approved for what was called the SARS-CoV2 COVID-19 vaccine program under the operation warp speed, listen very carefully to what the primary endpoint is.

The primary endpoint is the prevention of symptomatic COVID-19 disease. Now, let's pause and unpack that starting with COVID 19 disease.

As you all know, if you've been watching this show at all, you know that in February, the World Health Organization, and the CDC and the Department of Health and Human Services made a very clear distinction. They wanted to make sure that COVID-19, which was a series of clinical symptoms, which included things like fever, muscle pain, aches, loss of smell, certain radiologic findings in the lungs, a whole host of things, there's a laundry list of things that all got subsumed within this thing called COVID-19, which by the way, has been now redefined as to pick which is pneumonia, influenza COVID, as a combined set of things so that we can catch more people allegedly dying of this thing. But **COVID-19 disease is actually not a disease, it is a set of symptoms.**

And they were very clear on this, by the way. They tried to make a causal statement, they tried to say sorry, COV2 causes COVID-19. But then there was

a tiny problem. Most of the people who tested positive using the RT PCR method had no clinical presentation, which means you can't make a causal statement. You can't say the virus causes a disease, because unfortunately, most people with a positive PCR test for a fragment of what was called SARS-CoV-2, didn't have any problem. In fact, well over 80% had no problem. Which then leads us to the question of, okay, so we can't say it's causal, but it's more problematic than this, the primary endpoint for the vaccine trial was actually not a vaccine endpoint.

A vaccine endpoint has to do with immunity. And a vaccine endpoint has to do with transmissibility. And neither of those were measured, and it gets worse.

And I'm quoting right now straight out of Moderna's own statement. "Key secondary endpoints include prevention of severe COVID-19 disease, and prevention of infection by SARS-CoV-2." But here comes a tiny little problem. By their own admission in their clinical study, it was and I'm quoting, "impractical to measure infection." That's right, you heard me correctly. It's impractical to measure infection. So there is no evidence inside the phase three clinical trials, that any of the gene therapy had anything to do with the infection or not of SARS-CoV-2.

You cannot have a vaccination. It's not under the legal definition of vaccination, you cannot have a vaccination. That is in fact, not meeting either an immune or a transmission standard. And their clinical trial was set up specifically so that it could not measure either of those things.

And then, let's quote, shall we, from *The New England Journal of Medicine*, and from [The Lancet](#) . And this is October, and this is December respectively. And I'm just going to go ahead and read this quote:

"At the time of this writing, no correlate of protection from SARS-CoV-2 has been established." (Ref: <https://www.nejm.org/doi/full/10.1056/NEJMoa2028436>)

Maybe you misheard what I just said. **As of this writing, no correlative protection for SARS-CoV-2 has been established.** In other words, not a shred of evidence from the clinical trials said anything about protection from infection with SARS-CoV-2, which means every single person who has value signaled their vaccination because they're doing their part not to be infected with SARS-CoV-2, and not to get COVID-19, newsflash, you have been violating the Federal Trade Commission Act by deceptive practices. You've been telling people that there is a protection that the data itself does not afford. But maybe that was just one report. So why don't I read from the second report? And I quote, and this is the *Lancet* and *New England Journal of Medicine*, quote,

"No existing vaccines have been shown to be effective against infection with any betacoronavirus, the family that includes SARS-CoV-2, which causes Covid-19." (Ref: <https://www.nejm.org/doi/full/10.1056/NEJMe2034717>)

People, this isn't my opinion, this is not me selectively choosing to take a spin on facts. This is in fact, fact. Which then begs the question, Kim. What would motivate Pfizer and Moderna and more importantly felonious Fauci, the

unsavory, what would motivate them and CDC and others to lie to the American people about this being a vaccine, because vaccines in the ordinary course of the use of that term, invokes within the listener, a presumption of protection against infection, and protection against transmission, neither of which have been established at all? Why would they use the term vaccine?

And here's where we have to depart from the facts. And we have to go into conjecture because that's the only thing we have available to us. As recently as 2018, Moderna was insisting that they were not making vaccinations, they were insisting that this is gene therapy technology, and it was cutting edge and it was all this kind of nonsense. And suddenly, courtesy of SARS-CoV-2, it suddenly became a vaccine company. It wasn't a vaccine company before. It's not a vaccine company now, **it's a gene therapy technology company with an unproven gene therapy**. That's what it is.

So when asked to ask the question, okay, so why, why do we keep hearing about vaccines? Ah, well, here's the reason I think we keep hearing about vaccines. And once again, my opinion here, people, this is not based on information that I have readily available, but it is my opinion. I think that if Anthony Fauci if Moderna and Pfizer, and others, public health authorities around the country and around the world, actually called this gene therapy chemotherapy, number one, people wouldn't want to take it. And they wouldn't want to take it for a good reason. Because experimental gene therapy is a bad idea, no matter who it is, no matter what it is, no matter where it is. Experimental gene therapy should not be relentlessly and recklessly distributed to a population, that shouldn't happen. So that's number one.

But number two is the 1986 liability exclusion. And this is what I think it really is. See, as long as Mr. Alex M. Azhar, the director or the Secretary of Department of Health and Human Services, as long as Alex Azhar keeps the state of emergency going, as long as every governor and every mayor and every unelected official keeps the state of emergency going under emergency use authorization rules, liability is a shield that's afforded to people like Pfizer and Moderna and others. So they're making billions of dollars on the back of something for which they have no liability. But, if this was not a vaccine, then all a sudden the liability shield would vanish, because there is not a liability shield under the 1986 Act for a medical countermeasure that is gene therapy.

Which means we're probably having governors, and the Health and Human Services and CDC and others, maintaining the illusion of a state of emergency not because there's a state of emergency. They're maintaining it, because it maintains the illusion of the liability shield. Remember that if you suspended the state of emergency today, like, I don't know, if you're the governor of South Dakota, and you ever have anybody who remotely cares about this matter, listening to this video, lift the state of emergency because on the day you do it, RT PCR can't be used. Because RT PCR is not a diagnostic, it has never been approved, and it does not and cannot diagnose and treat a disease, which means every time Bloomberg, Gates Foundation and Zuckerberg foundation COVID-19 dashboard reports that there is a another case of COVID-19 because of a positive RT PCR test, they are violating the 15 US code Federal Trade Commission Act. You cannot diagnose a thing that cannot

diagnose the thing. That's a misrepresentation. That is a deceptive practice under the Federal Trade Commission Act. And they're liable for deceptive practices. Because it turns out, you do not have a waiver of liability under deceptive practices, even in a state of emergency.

So maybe the reason why they're calling it a vaccine is because they can count on the fact that neither you nor I will ever have this video, you and I will never do this independent inquiry you and I will never ask the question, is it possible that the entirety of what operation warp speed was, was nothing but propaganda? Which leads me to my conclusion.

Some of you know this, some of you don't. But operation warp speed has a middleman. And the middleman is a company called ATI, a defense contractor out of North Carolina. And it turns out that that defense contractor is the one that clears the billions of dollars of orders for vaccines. And that defense contractor is the one that then is supposed to be controlling the rollout of the vaccines, which has been a total train wreck, even setting aside all of the ethical, legal moral obligations of the things that we just talked about. But ATI also has another contract, also with the Department of Defense, and other government agencies, and that contract is for propaganda and misinformation.

"Hold on a minute! You mean that the company that actually got the contract to officially manipulate public media to officially convey the propaganda of the United States government, you mean that company is also the company in charge of operation warp speed, Dave? Is that what you're saying?" And the answer is, you got it! That's exactly what I'm saying. This thing does not stink like rotten fish because I'm making up some sort of stench. It stinks like rotten fish because it is rotten fish. That's why it smells of rotten fish.

So listen, this is a pretty straightforward situation. You're being lied to. Your own government is violating its own laws. 15 US code is not my interpretation. They have thrown this book at more people than I can count. They have shut down practitioners around the country, time and time again for violating what are called deceptive practices and medical claims. Guess what? They're doing exactly that thing. Right now.

You need to send this video to your US Attorney in your state. You need to send this to your attorney general in your state. You need to actually do something with this video. Don't just share it among your friends don't preach to the converted. This is a violation of federal statutes perpetrated by defense contractors by gene therapy companies, not vaccine manufacturers, by gene therapy companies who are doing experimental trials and doing them under deceptive medical practices. That's what this is.

And by the way, every statement that I have made before I went to my opinion, and my opinion is pretty grounded, because if you really examine why I think that the liability shield is the point, look at how many times the Department of Defense wanted to confirm that they were shielded under the immunity act of the emergency use authorization. They would not play this game if they didn't get the liability shield. And that liability shield came from the



emergency use authorization.

So we're very, very, very desperately in need right now as a civilization to make sure we interrupt this. And the reason is because real people are being harmed. Real people are actually having significant side effects. Some people may in fact be dying. The doctor in Florida, who two weeks after receiving the vaccine, dropped over dead, very healthy guy, a couple days after he got the vaccine started having splotches and blotches and everything else, and then at the end of two weeks died, his death is being investigated, are you ready for this? By the CDC and by Pfizer! That's like asking a bank robber to investigate their own bank heist. It is beyond insane people. And it's time for each one of you not to just like this, not to just share this, but send it to law enforcement in your state, because somebody somewhere out there in these 50 states is going to actually care about following the law. Somebody is, or this is not America. It's on you. Do something with this. I'm doing the work. You can help me carry the burden. So make sure you share this and we'll see you again next week. Thanks very much.

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## Misapplication of the Precautionary Principle has Misplaced the Burden of Proof of Vaccine Safety



The abstract statement below is from a PDF file you can [download](#) It was written by Roslyn Judith (Judy) Wilyman, an Australian anti-vaccination activist who came to prominence following the award of a humanities PhD titled "A critical analysis of the Australian government's rationale for its vaccination policy".

Macfarlane Burnet, (3 September 1899 – 31 August 1985), was an Australian virologist best known for his contributions to immunology.

The "precautionary principle" is a broad epistemological,

philosophical and legal approach to innovations with potential for causing harm when extensive scientific knowledge on the matter is lacking. It emphasizes caution, pausing and review before leaping into new innovations that may prove disastrous. (Definition from Wikipedia.)

I added emphasis in **bold** and *italics*.



Judy Wilyman

## Abstract

Vaccination is a medical intervention that comes with a **risk** for some people. In the expression of infectious diseases, it is known that **the pathogen alone does not cause disease**: it is a *combination* of the pathogen, environment, and genetic factors that determines expression and severity of the disease in individuals. In 1960 Macfarlane Burnet, Nobel Prize laureate for immunology, stated that genetics, nutrition, psychological and environmental factors may play a more important role in resistance to disease than the assumed benefits of artificial immunity induced by vaccination. He considered that genetic deterioration of the population may be a consequence of universal mass vaccination and he postulated that in **the long-term vaccination may be against the best interests of the state**. The current belief that much of the burden of infectious diseases can be alleviated if every child, in every geographical location, has access to multiple vaccines, does not consider the influence of genetics and environment on the health of populations. The historical record shows that deaths and illnesses to infectious diseases fell due to public health reforms – and prior to the introduction of most vaccines. Since 1990 there has been a 5-fold increase in chronic illness in children in developed countries and an exponential increase in autism that correlates directly with the expansion of government vaccination programs. Many individuals are genetically predisposed to the chronic illnesses that are increasing in the population and since 1995 governments have not used mortality or morbidity to assess outcomes of vaccination programs. Human health can be protected in government policies if the precautionary principle is used in the correct format that puts the onus of proof of harmlessness on

the government and pharmaceutical industry, and not the general public. This has not been done in current vaccination programs and **we cannot rule out the possibility that the increased use of vaccines is destroying the genetic fabric of society** as MacFarlane Burnet postulated.