

Federal Judge Blocks DOD From Disciplining Navy SEALs Who Sued Over Vaccine Mandate

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In another defeat of Biden's military vaccine mandates, a federal judge barred the U.S. Department of Defense from disciplining military service members who object to COVID-19 vaccination on religious grounds.

by [Michael Nevradakis, Ph.D.](#), *The Defender*

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In another defeat for the Biden administration's vaccine mandate for members of the armed services, a federal judge on Jan. 3 issued a [preliminary injunction](#) barring the U.S. Department of Defense (DOD) from disciplining military service members who object to [COVID-19](#) vaccination on religious grounds.

The injunction was issued by The U.S. District Court for the Northern District of Texas, Fort Worth Division.

The [case](#) in question concerns a group of 35 NAVY SEALs and other special forces members. They sued the Biden administration and the DOD, which denied the service members' requests for a religious exemption.

The [35 service members](#), whose identities were not made public and who serve at a variety of locations which remain classified and confidential, collectively possess more than

350 years of military service and have completed more than 100 combat deployments.

Each of the members [reportedly inquired](#) about being granted a religious exemption to the vaccine mandate. The Navy responded in most cases that the service members would be subject to possible court-martial or involuntary separation from the forces.

They were also threatened with confiscation of their Special Warfare devices, including the famous SEAL “trident” worn on their uniforms.

Each of the written denials the service members received were identical, suggesting their requests were not given individualized consideration by the Navy, [The Associated Press reported](#).

Following the denials, the 35 individuals filed a federal lawsuit and subsequent motion for preliminary injunction via the [First Liberty Institute](#), a non-profit public interest law firm specializing in cases pertaining to religious freedom.

In his [preliminary order](#), Federal Judge Reed O’Connor wrote:

“The Navy service members in this case seek to vindicate the very freedoms they have sacrificed so much to protect. The COVID-19 pandemic provides the government no license to abrogate those freedoms.

“There is no COVID-19 exception to the First Amendment. There is no military exclusion from our Constitution.”

Responding to the issuance of the preliminary injunction, Mike Berry, general counsel for First Liberty Institute, said:

“Forcing a service member to choose between their faith and serving their country is abhorrent to the Constitution and America’s values.

“Punishing SEALs for simply asking for a religious accommodation is purely vindictive and punitive. We’re pleased that the court has acted to protect our brave warriors before more damage is done to our national security.”

The Pentagon is [considering](#) lodging an appeal against the preliminary injunction. Such an appeal would reportedly send the case up to a federal appeals court, which could choose to uphold the injunction pending a full hearing, or overturn it.

Notably, The U.S. District Court for the Northern District of Texas recently also [ruled](#) against the implementation of a mask and vaccine [mandate](#) for participants in federal [Head Start](#) programs.

Religious exemptions recognized only on paper in armed forces

As [reported by military.com](#), no branch of the military has yet approved a religious exemption for the COVID-19 vaccine. Indeed, no religious exemption of any kind has been granted by the Navy and Marine Corps in at least seven years.

Several branches of the military instead moved in recent weeks to discharge service members whose applications for a religious exemption were denied.

The Marine Corps, for instance, recently [discharged](#) 206 Marines, claiming it has denied 3,115 of the 3,247 requests that it had received.

The Air Force [reported](#) 4,652 pending religious exemption requests, while the Navy [reported](#) 2,844 such requests are in progress.

The Air Force has, until now, [announced](#) the discharge of only 27 service members for non-vaccination, while the Navy [has not announced](#) any discharges of non-vaccinated members as of yet.

In the meantime, myriad other legal challenges against military-related vaccine mandates continue to work their way through U.S. courts.

On Jan. 4, Texas Gov. Greg Abbott [announced](#) his administration will sue the Pentagon in an effort to block its vaccine mandate for the Texas National Guard.

In December 2021, a federal judge [ruled against](#) Oklahoma's attempt to block the mandate for that state's National Guard.

And, as [reported by The Defender](#), 18 military service members on Dec. 10, 2021, filed an [amended complaint](#), seeking an injunction against the implementation of the vaccine mandate.

In the latter instance, the service members are drawing upon an earlier [determination](#) made by a judge in the case, that the [Pfizer Comirnaty vaccine](#), which was fully licensed by the U.S. Food and Drug Administration but is apparently unavailable in the U.S., and the Pfizer-BioNTech vaccine licensed under an [Emergency Use Authorization](#) (EUA) are not interchangeable.

This distinction now forms the basis of one of the arguments put forth by the service members in their amended complaint.

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