



Written by [Bob Adelman](#) on January 4, 2022

Texas District Court Grants Injunction Against Navy's COVID-19 Mandate

Judge Reed O'Connor, a George W. Bush appointee to the Northern District Court of Texas (Fort Worth), [came down hard on the Navy on Monday](#). The Navy — and by implication all the U.S. military — has used the COVID-19 pandemic as cover for demanding that no service member may use his religion to exempt himself from taking the vaccine:

The COVID-19 pandemic provides the government no license to abrogate those freedoms.

There is no COVID-19 exception to the First Amendment.



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He said that the Navy has set up a complex application process that virtually guarantees that any request for religious reasons is automatically denied:

The Navy provides a religious accommodation process, but by all accounts, it is theater.

The Navy has not granted a religious exemption to any vaccine in recent memory.

It merely rubber stamps each denial.

Not only has the Navy created a policy denying any and every religious exemption request, it also has set up a deliberate and intentional system of sanctions against those who even think about making one:

Plaintiffs are already suffering injury while waiting for the Navy to adjudicate their requests. In some cases, Plaintiffs have suffered injury because they seek religious accommodation.

Plaintiffs testify that they have been barred from official and unofficial travel, including for training and treatment for traumatic brain injuries; denied access to non-work activities, like family day; assigned unpleasant schedules and low-level work like cleaning; relieved of leadership duties and denied opportunities for advancement; kicked out of their platoons; and threatened with immediate separation.

He granted [a temporary injunction](#) against the Navy continuing its blanket denial of requests for religious reasons, and prohibited the service from sanctioning those who are filing those requests.

The history of the Navy discriminating against service members with strongly held religious beliefs goes back years before the pandemic. But it wasn't until the Biden administration appointed Lloyd Austin as secretary of defense that it was applied unilaterally and completely.



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Austin's reign began on January 22, 2021, and in August he proclaimed "a vaccine mandate directing all DoD servicemembers to be vaccinated against COVID-19," wrote O'Connor. The Navy set November 28 as the drop-dead date for all servicemembers to submit to the vaccine or face the "full range" — O'Connor's words — of disciplinary action.

He quoted the Navy's interpretation of Austin's mandate:

[Special Operational] personnel refusing to receive recommended vaccines ... based solely on personal or religious beliefs are disqualified.

"Disqualified" means, O'Connor noted, "becoming permanently nondeployable."

Mike Berry, general counsel for First Liberty Institute which is assisting the 35 Navy Special Warfare servicemembers, including 26 Navy SEALs, in their complaint, celebrated O'Connor's ruling:

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.

There are other lawsuits pending, but O'Connor's ruling is the first one shutting down the Navy's enforcement of Austin's mandate. Although there are 35 plaintiffs in the present lawsuit, there are more than 35,000 military service members who have refused the vaccine, many of them facing sanctions for doing so.

As Christians they believe 1) that this world is not their home; and 2) in this world they will face trials, tribulations, and suffering. As Jesus Christ Himself said: "I have told you these things, so that in Me you may have peace. In this world you will have trouble. But take heart! I have overcome the world." (John 16:33).

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