

# Judge Blocks COVID Vaccine Mandate for Navy Seals Seeking Religious Exemption, Prohibits Disciplinary Action



In what was a huge win on Monday, a federal judge in Texas issued a temporary injunction blocking the Pentagon's COVID vaccine mandate and preventing the Department of Defense from disciplining 35 Navy Seals and three reservists who refused to get the vaccine for religious reasons.

U.S. District Judge Reed O'Connor, responding to a lawsuit filed by [First Liberty Institute](#) in November said the pandemic "provides the government with no license to abrogate" the freedoms of Americans, and reinforced the right of service members to object to COVID vaccines on religious grounds.

"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,” O’Connor wrote in his ruling. “There is no military exclusion from our Constitution.”

#### [Navy-SEALs-PI-Order-Download](#)

According to [First Liberty Institute](#), service members faced military disciplinary actions for seeking religious accommodations to the military’s vaccine mandate, including punishment, involuntary separation and court-martialing. In addition, their families have been subjected to harassment and are prohibited from traveling until they also are vaccinated, despite not being subject to military orders.

First Liberty Institute is a legal organization dedicated to defending U.S. religious freedoms. Mike Berry, general counsel for the organization, praised the injunction in a written [statement](#) Monday.

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

In an interview with [The Washington Post](#), Berry said the ruling “sends a clear message to the Biden administration, to the Pentagon and to the Navy that our service members do not give up their religious freedom when they serve their country.”

Should the Biden administration appeal the decision, Berry said, “we will defend this as far as it needs to go.”

The group of Navy Seals and other members of Naval Special Warfare Command, filed suit against President Biden, Defense Secretary Lloyd Austin, Navy Secretary Carlos Del Toro and the Defense Department to challenge the Navy’s vaccine mandate in November.

The troops said they could not receive the vaccine due to their Christian beliefs – as COVID vaccines were [developed from aborted fetal cell lines](#) and claimed a modification of their bodies is an “affront to their Creator.”

O’Connor noted the Navy’s process that allows service members to seek religious exemptions to COVID vaccines, but said that “by all accounts, it is theater.”

“The Navy has not granted a [religious exemption](#) to any vaccine in recent memory,” O’Connor wrote. “It merely rubber stamps each denial.”

O’Connor said the claims of the 35 service members were “strong,” noting that secular waivers in the form of medical exemptions were approved while religious ones were denied.

“As a brief preview, the vaccine mandate fails strict scrutiny,” the judge wrote. “The mandate treats comparable secular activity (e.g., medical exemptions) more favorably than religious activity.”

The loss of the plaintiffs’ “religious liberties outweighs any forthcoming harm to the Navy,” O’Conner wrote.

Pentagon spokesman John Kirby said Monday night that defense officials were aware of the injunction and reviewing it. To date, not a single [member of the armed forces](#) has received a religious vaccine exemption.