

# Supreme Court Sides with Biden Administration in Navy SEAL Vaccine Mandate Case



The U.S. Supreme Court on Friday ruled in favor of the Department of Defense, temporarily reinstating the Biden administration's program mandating members of the military be vaccinated against COVID or face reassignment.

In a 6-to-3 vote to partially overturn a decision by the Fifth Circuit Court of Appeals, the justices ruled the Navy could consider the vaccination status of 35 of its service members in determining where they should be assigned or deployed.

The lower court in January [sided](#) with a group of Navy SEALs and Special Warfare personnel who asserted that religious exemptions included in the DoD directive were too restricted.

The court issued a [brief, unsigned order](#), providing no reasons

for the decision – as is typical for cases on the shadow docket that are taken up as emergency applications.

In a concurring opinion, Justice Brett Kavanaugh [said](#) courts should not second-guess military officials.

“The Navy has an extraordinarily compelling interest in maintaining strategic and operational control over the assignment and deployment of all Special Warfare personnel – including control over decisions about military readiness,” [Kavanaugh wrote](#).

“In this case, the District Court, while no doubt well-intentioned, in effect inserted itself into the Navy’s chain of command, overriding military commanders’ professional military judgments.”

Kavanaugh appeared to have adopted the [position of the Biden administration](#), who in March argued the lower district court inserted itself into the Navy’s chain of command when it required the Navy to assign and deploy respondents without regard for their vaccination status.

Kavanaugh also wrote that the Religious Freedom Restoration Act “does not justify judicial intrusion into military affairs in this case.”

“That is because the Navy has an extraordinarily compelling interest in maintaining strategic and operational control over the assignment and deployment of all Special Warfare personnel—including control over decisions about military readiness,” Kavanaugh wrote. “And no less restrictive means would satisfy that interest in this context.”

Justices Samuel Alito, Neil Gorsuch, and Clarence Thomas dissented.

Alito, in a dissenting opinion, called the ruling a great injustice:

"I agree that the Navy has a compelling interest in preventing COVID-19 infection from impairing its ability to carry out its vital responsibilities, as well as a compelling interest in minimizing any serious health risk to Navy personnel," he wrote. "But the Navy's summary rejection of respondents' requests for religious exemptions was by no means the least restrictive means of furthering those interests."

Alito also took issue with the language of the Biden administration's application to the Supreme Court and the resulting order, as it "allows the Navy to use respondents' unvaccinated status as a reason for directing them to perform whatever duties or functions the Navy wants, including sitting alone in a room pushing paper or reading manuals for the duration of the appellate process."

Alito claimed the Biden administration did not show "a compelling interest" in obtaining the level of relief it sought from the Supreme Court.

"I would not rubberstamp the Government's proposed language," he continued. "While I am not sure that the Navy is entitled to any relief at this stage, I am also wary, as was the District Court, about judicial interference with sensitive military decision making."

Justice Thomas dissented, but did not join Justice Alito's opinion and provided no reasons of his own.

Judge Reed O'Connor, of the Federal District Court in Texas, issued [a preliminary injunction](#) in January, barring the Navy from taking any punitive action against its personnel, including 26 SEALs, while their lawsuit moved forward.

After a unanimous three-judge panel of the U.S. Court of Appeals for the Fifth Circuit, in New Orleans, [refused to block](#) the ruling, the Biden administration filed [an emergency application](#) in the Supreme Court.

Mike Berry, general counsel for First Liberty Institute, the non-profit law firm that filed suit on behalf of the plaintiffs, [said in a statement](#) to Fox News: “The Court’s narrow partial stay will not deter our mission to ensure America’s service members do not lose their religious freedom. As Justice Alito said, this is a ‘great injustice.’”