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May 17, 2022

The Honorable Lloyd J. Austin  
Secretary of Defense  
United States Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301

The Honorable Carlos Del Toro  
Secretary of the Navy  
Office of the Secretary of the Navy  
1000 Navy Pentagon, Room 4D652  
Washington, D.C. 20350

Dear Secretary Austin and Secretary Del Toro:

I am writing to urge you to welcome back into the service sailors separated from the U.S. Navy for refusing the COVID-19 vaccine on religious grounds. In light of U.S. District Judge Reed O'Connor's order on March 28, 2022, the Department of Defense (DOD) and U.S. Navy should apply its stated policy of protecting sailors from separation and discipline retroactively. Failing to take this step will penalize sailors already removed from the Navy simply because their claims were adjudicated prior to the court's order.

In recent days, the U.S. Navy paused efforts to separate and discipline sailors refusing the COVID-19 vaccine due to religious objections. Specifically, NAVADMIN 083/22 "suspends separation processing and adverse administrative consequences of COVID-19 vaccine refusal for Navy service members who submitted requests for religious accommodation from the COVID-19 vaccine requirement." This new guidance followed District Judge O'Connor's decision to allow the lawsuit brought by 35 sailors refusing inoculation on religious grounds to move forward as a class action lawsuit.

Now that the preliminary injunction in the lawsuit is rightly preventing the Navy from applying its previous misguided policy of separating sailors who were denied religious accommodation requests, the Navy should extend its new policy to cover sailors who have already been unjustly separated. Sailors should not face a different set of rules based on circumstances beyond their control.

As of today, the Navy has approved only 27 religious accommodation requests for the COVID-19 vaccine despite receiving over 4,300 requests. Bearing in mind this blatant disregard for faith-based objections to the vaccine, according to the Navy they have approved "798 total separations based on COVID-19 vaccination refusal," and "at least 84 personnel with previously disapproved religious accommodation requests have completed the discharge process." At the time of this letter other sailors had been notified that their accommodation request has been denied, but they have not yet been discharged. American taxpayers and the U.S. military have devoted considerable time and resources to train each of these sailors for their service. As I have

said repeatedly, it is difficult to see how removing hundreds of sailors from the Navy—when almost half of Americans have already been infected with COVID-19—improves our military readiness and serves the national interest. Even sailors who have received the COVID-19 vaccine can and do test positive for COVID-19. So, sailors with or without the vaccine can catch COVID-19 and transmit it to others.

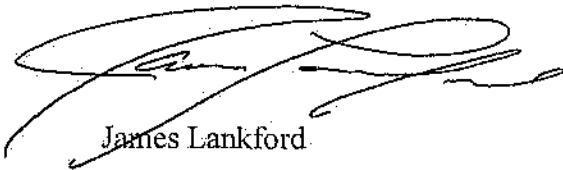
With these considerations in mind, I urge you to reinstate sailors who have been separated after being denied religious accommodations to the COVID-19 vaccine mandate. Additionally, please address the following questions:

1. As of today, how many sailors who were separated for refusing the COVID-19 vaccine, were denied religious accommodations prior to separation?
2. Will DOD welcome back sailors separated from the military if the COVID-19 vaccine mandate is lifted?
3. Will you commit to allowing sailors who have retired in response to the COVID-19 vaccine mandate to return to the service as COVID-19 wanes?

I hope you will agree that preventing sailors who have been separated due to non-compliance with the vaccine mandate after their religious accommodation request was denied from rejoining the Navy, while allowing current sailors with religious objections to the vaccine to remain would be unjust. I urge you to take immediate action to prevent this unequal impact on our sailors.

Thank you for your attention to this important issue.

In God We Trust,

A handwritten signature in black ink, appearing to read 'James Lankford', with a large, stylized flourish extending from the end of the signature.

James Lankford