



Attorney General Doug Peterson

News Release

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22 States Support Religious Liberty of Navy SEALs

AGs seeking exemptions from Biden Administration's continuing pursuit of universal COVID vaccination

A coalition of 22 State Attorneys General, led by Attorney General Lynn Fitch (MS), filed an amicus brief today in the Fifth Circuit Court of Appeals in support of the religious liberty of Navy SEALs seeking exemptions from the Biden Administration's continuing pursuit of universal COVID vaccination.

The Biden Administration asks that the military be given extraordinary deference in their decision to direct compliance with the vaccine mandate, even overriding fundamental freedoms. The Attorneys General argue (1) that states have managed to balance fundamental freedoms and sensitive state interests during the COVID pandemic and (2) that the words and actions of the Administration have demonstrated that its demand for deference be met with skepticism. As they state in their brief:

Deference to military authorities makes sense when those authorities' judgments reflect trustworthy, non-political assessments of sensitive matters within their unique expertise. But policymakers can, through their actions, erode those assumptions and the deference that might otherwise be due.

This Court should discount the Administration's claim to deference in this case. In the past year, courts have recognized the overreaching and flawed claims of legal authority underlying the Administration's response to the pandemic, the tension between its policies and the facts, and its inconsistent statements and actions that undercut its claims of good faith. These recurring features of the Administration's response undermine its claim to deference here.

According to U.S. Department of Defense data, of 105,277 reported COVID cases within the U.S. Navy, only 17 deaths and one hospitalization have occurred. Yet only 47 religious

accommodation requests have been approved, and 4,251 requests remain pending – and all 47 of the approvals occurred after this case was filed and met with criticism from the federal judiciary.

This case had previously reached the U.S. Supreme Court. On an emergency motion, the Biden Administration asked the Court to partially stay an injunction against the vaccine mandate covering the Seals, and the Court stayed the injunction only to the extent that it affected assignment, deployment, and operational decisions. The case now continues in the Fifth Circuit Court of Appeals.

The Attorneys General of Mississippi, Alabama, Alaska, Arizona, Arkansas, Florida, Indiana, Kansas, Kentucky, Louisiana, Missouri, Montana, Nebraska, New Hampshire, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming signed the amicus brief in *U.S. Navy SEALs 1-26 v. Biden*.

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Amicus Brief Attached

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