

Biden opposes Navy SEALs' religious exemption from vaccine. Judge sees it differently

[By Cynthia M. Allen](#) Updated January 07, 2022 3:27 PM

OPINION AND COMMENTARY

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'We need to be ready' — Biden unveils COVID-19 plan as omicron variant arrives ahead of winter
Warning that COVID-19 caseloads are poised to climb this winter, President Joe Biden on Thursday, Dec. 2, 2021, announced his plan for limiting the spread of infection. By The White House

Fort Worth

On May 2, 2011, Lafayette Square, the park directly across from the White House, was filled with euphoric throngs of young people, celebrating something they thought might never come to pass.

An elite team of U.S. Navy SEALs had just achieved the impossible: They killed Osama Bin Laden, the elusive international terrorist responsible for the murders of thousands of Americans a decade prior.

In his remarks announcing the operation, [President Barack Obama called](#) the men who carried it out examples of “professionalism, patriotism, and unparalleled courage.”

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Knowing what they endured – not just the years of arduous training but the mental obstacles they no doubt overcame to enter into a mission from which they might not return – who could disagree?

Fast forward 10 years, and President Joe Biden might.

At least 35 of America's most elite military personnel are unvaccinated against COVID-19, a sin so grievous that the president has intimated it renders them (and others like them) [unpatriotic](#).

For this reason alone, he believes, they should be fired.

Thankfully, a federal judge in Fort Worth doesn't see it that way. More importantly, the Constitution provides protection against such thinking.

This week, [Judge Reed O'Connor blocked](#) the Biden administration from taking deleterious employment action against the 35 Navy members who sought and were denied religious exemptions from the president's vaccine mandate for the military.

"There is no COVID-19 exception to the First Amendment," wrote O'Connor, a George W. Bush appointee. "There is no military exclusion from our Constitution."

The almost three dozen servicemen who filed suit cited their Christian beliefs as the reason for forgoing the vaccine.

People of faith may disagree about moral questions surrounding the development of and decision to take or not take the vaccine.

But legal protections for those seeking an exemption based on sincerely held

religious beliefs are not up for debate; they are clearly enshrined in our Constitution.

Still the military under the Biden administration has reduced the procedure for seeking religious accommodation to what O'Connor calls little more than "theater."

The Navy's 50-step process — yes 50 steps — is set up to deny requests the moment they begin, he wrote.

Yet the mandate "treats comparable secular activity [such as medical exemptions] more favorably than religious activity."

A medical exemption does not deny a servicemember the opportunity to be deployed, for example. But a religious exemption would render its recipient "medically disqualified" from duty.

Makes sense, doesn't it?

Equally troubling is the revelation that the servicemembers in the case are already enduring what the court characterized as irreparable harm, some simply *because* they sought a religious exemption.

Several have been denied promotions and training opportunities while their exemption requests languished.

In a most egregious case, one SEAL was denied treatment at a military health facility for deployment-related traumatic brain injury while his exemption request was under review.

It was eventually denied, along with the 34 other SEALs' requests.

A former special forces commander has estimated the [cost of training a](#)

[SEAL](#) or other member at about \$1.5 million.

Serious constitutional questions aside, that the government would so flippantly dispose of such an investment is pure folly, especially when the holdouts represent such a vanishingly small (0.6 percent) fraction of the Navy.

Never mind that these are people with families – medical needs – and otherwise distinguished careers.

Then again, not much about the [Biden administration's COVID policy](#) makes sense.

It continues to threaten the livelihoods of many Americans by insisting they take a vaccine that isn't doing what they said it would – stop wide transmission.

The delta variant resulted in a demonstrably large number of so-called “breaththrough” cases, and now the omicron variant is piercing even boosted immunity, at an alarming rate (though vaccines still prevent many cases of serious illness).

It's only a matter of time before the administration realizes that the wheels have fallen off.

But I expect the [courts will get there first](#). And I look forward to euphoric throngs celebrating in the streets when they do.

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Cynthia Allen joined the Star-Telegram Editorial Board in 2014 after a decade of working in government and public affairs in Washington, D.C. She is a member of the Editorial Board and writes a weekly opinion column on a wide array of topics, including politics, faith and motherhood.