



Written by [Veronika Kyrylenko](#) on October 18, 2021

Military Members File Class-action Lawsuit Against Biden Admin Over COVID Vax Mandate

On Friday, service members from all five branches of the U.S. military, as well as federal employees and federal civilian contractors, filed a class-action [lawsuit](#) along with a motion for a temporary restraining [order and injunction](#) in the U.S. District Court for the Middle District of Florida against President Joe Biden, Secretary of Defense Lloyd Austin, and Homeland Security Secretary Alejandro Mayorkas over the COVID vaccine mandate.

Liberty Counsel, the Christian legal firm that filed the lawsuit, says that “there are currently NO FDA-approved COVID-19 shots available anywhere in the United States. Every COVID shot in America remains under authorization of emergency use, which means people have the ‘option to accept or refuse’ them.”



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Indeed, according to the numerous media [reports](#), Pfizer’s Comirnaty shot is not yet available in America, as of October 12. At the same time, the EUA granted to the Pfizer-BioNTech shot abundantly available in the United States remains in effect. While the [FDA](#) claims the jabs may be used “interchangeably,” they are said to be “legally distinct.” *The New American* has detailed the intricacies in a previous [report](#).

Liberty Counsel cited a medically proven link between the mRNA vaccines, such as the Pfizer and Moderna products, and increased risks of myocarditis in young men.

Liberty Counsel further claimed that a mere submission of a religious exemption request “is met with abuse and threats of dishonorable discharge — the ultimate betrayal of America to these brave military heroes who have sacrificed everything.” Per the lawsuit, as the vaccination deadlines are approaching, “the pressure and abuse are intense, and disciplinary actions have already commenced for some [refusing to comply with the mandate].”

The lawsuit states that the plaintiffs have been refused any religious exemption from vaccination. Moreover, “Defendants are threatening these military heroes with dishonorable discharge for even requesting a religious exemption from the COVID-19 shots. Dishonorable discharge is worse than criminal conviction for these servicemembers because it is a badge of disgrace that follows them for the rest of their lives.”

The suit cites numerous Supreme Court rulings establishing the fact that Armed Forces personnel do not shed their constitutional rights, including those protected by the First Amendment, at the moment of their military oath. As the Supreme Court held just last year, “even in a pandemic, the Constitution



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cannot be put away and forgotten.”

The fact that aborted fetal cells were used in testing or development of COVID vaccines prevents the plaintiffs from taking any of them due to their religious beliefs that value unborn lives created in the image of God.

One of the plaintiffs claimed that since no long-term studies have been performed on any of the COVID shots regarding their impact on female fertility, and given her religious beliefs about marriage and childbearing, inoculation was not an option for her.

The plaintiffs are asking the court to declare the vaccine mandate unlawful because it violates the EUA provisions of the Federal Food, Drug, and Cosmetic Act and to issue a temporary restraining order to prevent the mandate from taking effect, and ultimately issue an injunction to prevent the DOD from enforcing the mandate.

On September 9, allegedly “Relying on the best available data and science-based public health measures,” President Joe Biden issued an [executive order](#), requiring all federal employees to get a COVID vaccine as a condition of employment.

Following the Food and Drug Administration (FDA) granting a full licensure to Pfizer’s COVID vaccine Comirnaty on August 23, Secretary of Defense Austin issued a [memorandum](#) on August 24 saying that all military service members must receive a COVID vaccine. While the Pentagon may only mandate the vaccines that were fully approved, the servicemen were given “liberty” to get whichever vaccine was granted an EUA in the United States or has been recognized by the World Health Organization.

Within a month, the branches of the military announced the deadlines for troops to be fully vaccinated and threatened suspensions or other disciplinary actions if service members don’t have a pending exemption request or fail to comply. The Air Force [set](#) a November 2 deadline for all active-duty airmen to get inoculated, while other personnel are expected to comply by December 2. Active-duty servicemen in the [Army](#) are ordered to be fully vaccinated by December 15, while reserve members and servicemen of the National Guard must get the shot by June 30, 2022. The Marines and Navy servicemen were [ordered](#) to be fully vaccinated by November 28; reservists were given time to get shots by December 28.

The lawsuit is not the first such action employed against the Biden administration over the COVID vaccine mandate for the military.

On September 23, four active-duty U.S. Air Force officers, a Secret Service agent, a Border Patrol agent, and four other federal employees and contractors [filed](#) a lawsuit against President Biden and Secretary Austin for mandating the troops to “inject themselves with: (1) a non-FDA approved product; (2) against their will; and (3) without informed consent.”

On September 24, two service members [filed](#) a class-action lawsuit against Defense Secretary Austin, Health and Human Services Secretary Xavier Becerra, and FDA Director Janet Woodcock to halt the vaccine mandate and create an exemption for those who were previously infected with the virus and acquired “natural immunity.”

On October 6, 16 active-duty military service members hit President Biden and numerous top government officials with a lawsuit over the matter, [asking](#) the court “to bar the FDA and DOD from using deceptive ‘bait and switch’ tactics and to uphold the constitutional right of every citizen to refuse an unwanted, unnecessary and unproven vaccine.”



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