



Written by [Veronika Kyrylenko](#) on November 30, 2021

DOD Rejects Oklahoma Request for National Guard Vax Exemption

Defense Secretary Lloyd Austin has formally rejected a request by Oklahoma Governor Kevin Stitt that his state's National Guard be exempt from a Pentagon COVID-19 vaccination mandate.

According to the [Associated Press](#), which obtained a copy of the rejection letter,

Austin wrote that all members of the Oklahoma Army and Air National Guard, "regardless of duty status," must follow the directions of Army and Air Force service secretaries for COVID-19 vaccine compliance deadlines. "Failure to do so may lead to a prohibition on the member's participation in drills and training" conducted under Title 32 of the U.S. Code, "and jeopardize the member's status in the National Guard."



Lloyd Austin

Pentagon press secretary John Kirby said that while Guardsmen "of course" can choose to forgo a shot, such a decision "would be putting at jeopardy your ability to stay in the National Guard," per the outlet.

In his November 2 letter ([pdf](#)), Stitt asked Austin "to immediately consider suspending the COVID-19 vaccine requirement for national guardsmen in Oklahoma," saying that

This mandate violates the personal freedoms of many Oklahomans, as it asks them to potentially sacrifice their personal beliefs in order to not lose their jobs. All of our national guardsmen take this calling very seriously. These are patriotic citizens who are willing to put their lives on the line to protect others in our communities during times of greatest need.

The governor also expressed his concern that the vaccine mandate could result in an understaffed National Guard, which would undermine its ability to respond to state security threats and weather emergencies:

We estimate that over 800 Oklahoma guardsmen have not and do not plan on receiving the COVID-19 vaccine. This constitutes 10% of Oklahoma's overall force. It is irresponsible for the federal government to place mandatory vaccine obligations on Oklahoma national guardsmen which could potentially limit the number of individuals that I can call upon to assist the state during an emergency.



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Secretary Austin was not convinced by those arguments, and implied that the benefits of vaccinating Guardsmen against a disease that has 99.98-percent survival rate among healthy young adults outweigh the risks of understaffing. Such concerns, he reportedly wrote, “do not negate the need for this important military readiness requirement,” referring to COVID vaccinations. As of November 24, 75 service members across all military branches have died due to complications from COVID, per Pentagon [data](#).

The dispute started when Brigadier General Thomas Mancino, the adjutant general for the Oklahoma National Guard, issued a memo exempting the troops from the Defense Department’s COVID-19 vaccine mandate on November 11. The memo said that “no negative administrative or legal action will be taken” against Guard members who refuse the COVID-19 shot, per the [local media](#). The report added that there is a legal intricacy to the vaccine mandate for the National Guard:

The National Guard presents a unique case. When Guard troops are on state active duty, such as responding to local events, they report to the governor and are paid by the state. But during their monthly or annual training or when they are responding to larger disasters in the state, they are in what is called Title 32 status, and are controlled by the governor but funded by the federal government.

At the same time,

The Guard can also be activated for federal duty, including for overseas deployments, under a different status, called Title 10, that treats them like active-duty troops, under federal control and funding.

Carly Atchison, a spokeswoman for Governor Stitt, [said](#) back in early November that there is no contradiction between the rules: While the federal government can establish training standards and policies, it could not enforce them until the National Guard is placed on federal active duty. But the moment it is placed on federal active duty, the Guard falls under the command of the president, which would make Guardsman subject to COVID vax mandate. Until then, Stitt remains the Guard’s commander-in-chief, not the president. Therefore, the Guardsmen are free to reject COVID shots.

In response to Austin’s rejection letter, the spokeswoman reaffirmed the governor “maintains his position” that he is in charge of the Oklahoma Guard while they are on Title 32 status, per AP.

Military news outlet [Task and Purpose](#) said the Biden administration has a couple of options to enforce the vax mandate in the rebellious state.

Theoretically, the Defense Department could withhold the equipment and a major part of its funding to the Oklahoma National Guard. The experts [say](#) that the feds provide as much as 95 percent of all of the National Guard units’ funding.

Then, the Biden administration could remove Brigadier General Mancino from the National Guard by withdrawing his federal recognition as a National Guard officer, and thus nullify his order.

Both moves would be “policy decisions and political decisions,” which would have “major political implications” between the administration, the Congress, and the other 53 governors, per retired Army Colonel Michael Linick.



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So far, Stitt is the only governor to publicly challenge the DOD vax mandate.

Currently, the Biden administration is facing multiple legal challenges to the vaccine mandate for the military, as *The New American* has [reported](#).





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