

Lawmakers Demand Accountability From Coast Guard About Attack on Religious Freedom

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House Oversight Committee Republicans sent a letter to Commandant Admiral Linda Fagan demanding that the U.S. Coast Guard explain the process for reviewing religious accommodation exemption applications for the COVID shot mandate, including the use of a digital tool to assist in issuing blanket denials rather than focusing on each individual case as is required by Department of Defense (DOD) Directive.

Fifteen members of Congress, led by James Comer, a ranking member of the Committee on Oversight and Reform wrote, "Religious freedom is protected by the U.S. Constitution and federal law. Despite these protections, information received by Committee Republicans indicates that the adjudication process for exemption applications was a pro forma exercise designed to reach predetermined conclusions—to deny requests and appeals—in nearly every single case. The USCG even created a digital tool to assist in more efficiently denying appeals of the vaccine mandate instead of focusing on the merits of each individual case."

As of February 4, 2022, the Coast Guard had received 1,308 requests for religious accommodations from the COVID shot mandate and initially denied 578 with no approvals on appeals.

On June 2, 2022, the Acting Department of Defense Inspector General (DoDIG) Sean O'Donnell sent a memo to Secretary of Defense Lloyd Austin that highlights the deliberate violation

of federal law within the Department of Defense as evidenced in actual denials of religious exemption requests from service members who refused the COVID shot because of their religious beliefs.

In O'Donnell's memo he cites DoD Instruction which states:

"Religious Liberty in the Military Services paragraph requires that 'officials charged with making recommendations or taking final action on a Service member's request for the accommodation of religious practices will review each request individually, considering the full range of facts and circumstances relevant to the specific request.... The means that is least restrictive to the requestor's religious practice and that does not impede a compelling governmental interest will be determinative [Emphasis added.]'"

O'Donnell further writes, "Additionally, the volume and rate at which decisions were made to deny requests is concerning. The appeal authorities of the Services we reviewed indicated that an average of 50 denials per day were processed over a 90-day period. Assuming a 10-hour work day with no breaks or attention to other matters, the average review period was about 12 minutes for each package. Such a review period seems insufficient to process each request in an individualized manner and still perform the duties required of their position. We bring this to your attention for any action you deem appropriate to ensure that published guidance, including DoD Instruction , 'Religious Liberty in the Military Services,' are followed when acting on requests for religious exemption from the coronavirus disease-2019 (COVID) vaccination requirements."

The Republican lawmakers refer to O'Donnell's memo in their letter to Fagan. They wrote, "This analysis is unfortunately echoed by information obtained by Committee Republicans showing that USCG's review system was similarly stood up to reach predetermined conclusions with the goal of rejecting

applications. Committee Republicans have learned that the USCG denied virtually all religious exemption requests and dismissed appeals en masse with the help of computer-assisted technology, indicating that no case-by-case determinations were taking place. While the USCG did charge a dedicated headquarters team with adjudicating over 1,300 requests for exemption to the COVID vaccine mandate and appeals, the system was set up to reject the applications and appeals.”

They specifically address the fact that the Coast Guard used a computer form tool called the “Religious Accommodations Appeal Generator” (RAGG) to quickly generate “a dismissal letter populated with a predetermined reason why that argument was insufficient to overcome a denial.”

“Just as troubling, appeals of initial denials were denied with the assistance of a computer-generated form-filler tool called the ‘Religious Accommodations Appeal Generator,’ or RAAG. This Microsoft Access-based program permitted Coast Guard adjudicators to select from a pre-populated list of two dozen possible religious objections or noted defects that applicants had raised in the initial dismissal decision. Upon clicking the ‘Submit’ button, the tool generated a dismissal letter populated with a predetermined reason why that argument was insufficient to overcome a denial. This tool permitted adjudicators to quickly dispose of appeals without considering their merits, even when legitimate defects in the initial decision were identified.”

Liberty Counsel Founder and Chairman Mat Staver said, “The Department of Defense and the U.S. Coast Guard are violating federal law by denying the religious free exercise rights of service members from the COVID shot mandate. It is encouraging that some members of Congress are stepping up to hold them accountable for their abuse of these courageous service members.”

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