

Why the Veterans Affairs COVID Shot Mandate Violates the Law

The Department of Veterans Affairs (VA) sent an email to all employees mandating that all its health care personnel receive the COVID-19 shots. The mandate gives each employee eight weeks to comply, and employees will receive four hours of paid administrative leave after demonstrating they have gotten the shot.

Since the mandate was issued, Liberty Counsel has received many pleas for help, including those from doctors, psychiatrists, nurses and other health care workers, chaplains and more. These employees do not want the COVID shots and are afraid of losing their jobs. Liberty Counsel will be representing these VA employees.

Veterans Affairs Secretary Denis McDonough announced he will make COVID-19 injections mandatory for Title 38 VA health care personnel—including physicians, dentists, podiatrists, optometrists, registered nurses, physician assistants, expanded-function dental auxiliaries and chiropractors—who work in Veterans Health Administration facilities, visit VHA facilities or provide direct care to those the VA serves.

In his statement Secretary McDonough said, “Whenever a Veteran or VA employee sets foot in a VA facility, they deserve to know that we have done everything in our power to protect them from COVID-19. With this mandate, we can once again make—and keep—that fundamental promise.”

The VA has also sent a letter to all veterans to “serve their country once again” by getting the COVID shots.

The VA is the first federal agency in the United States to

mandate the COVID shots.

However, the COVID shots cannot be mandatory under authorization of emergency use (EAU). On March 27, 2020, the Health and Human Services (HHS) declared that circumstances exist justifying the EUA of drugs and biological products for COVID-19. That means people must be told the risks and benefits, and they have the right to decline a medication that is not fully licensed. All of the COVID-19 mRNA injections (Pfizer/BioNTech and Moderna) or vaccines (Johnson & Johnson and Astra Zeneca) have received only EAU authorization and not full FDA approval.

Furthermore, COVID shots cannot be mandatory under Title VII. In general, employee vaccine religious exemption requests must be accommodated, where a reasonable accommodation exists without undue hardship to the employer, under Title VII of the Civil Rights Act of 1964. Many people hold sincere religious beliefs against taking any vaccines, or taking those derived from aborted fetal cell lines or taking those sold by companies that profit from the sale of vaccines and other products derived from abortion.

Title VII, as amended, prohibits two categories of employment practices. It is unlawful for an employer: "1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or 2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin."

Federal workers may also claim religious exemptions under the Religious Freedom Restoration Act of 1993. This law applies to

all levels of the federal government, including the VA.

In addition to federal law, the FDA includes the Nuremberg Code and the Helsinki Declaration on its website, emphasizing the fact that people cannot be forced to take experimental drugs without their full consent. Learn more at

“The COVID shots have only been approved for experimental and investigational use,” Liberty Counsel founder and Chairman Mat Staver says. “Under the federal Emergency Use Authorization law, these shots cannot be mandated or administered without the free and full consent of the individual. The VA has no authority to mandate the COVID shots. Federal employees are also protected by the Religious Freedom Restoration Act. Forcing any person to receive one of these COVID injections is a violation of federal law. It is shocking that a federal agency would brazenly violate federal law.” {eo}

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