

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1803**

August 9, 2021

The Honorable Lloyd J. Austin III  
Secretary of Defense  
1400 Defense Pentagon  
Washington, DC 20301

Secretary Austin,

It has been heavily reported news that the Pentagon is planning on mandating COVID-19 vaccines for all active-duty military personnel in the United States (US) Armed Forces. While defeating COVID-19 is a just mission, I would implore you not to institute mandates which are a clear violation of federal law.

As you know, the current vaccines being utilized in the U.S. and internationally lack full Federal Drug Administration (FDA) approval, with their use only being authorized under an Emergency Use Authorization. Current federal law prohibits mandatory vaccinations for military personnel without full FDA approval.<sup>[1]</sup> These laws are in place to ensure atrocities committed in the past, including the illegal and unethical Tuskegee Study of Untreated Syphilis, are not brought upon our service men and women.

Every American who wants the vaccine should receive it. The vaccine should be free, and it should be readily accessible. Because of the work completed under Operation Warp Speed, there are three COVID-19 vaccines widely available throughout the United States. Members of the military are bound by their oath to uphold the constitution and every active service member is governed by the Uniform Code of Military Justice (UCMJ). So are you. The UCMJ clearly regulates lawful orders versus unlawful orders. I urge you to abide by your own oath. Unlawful orders are the bane of any command. Do not go down that path, for you'll be met with overwhelming opposition. The law in this matter is clear. Prior to full FDA authorization, a member of the military cannot be compelled to take a vaccine.

We all take this weaponized virus very seriously. Biological threats come and go, whereas America is forever. Protecting Constitutional freedoms and preventing oppression of American rights is our glorious duty. Be advised... any failure of administration officials to follow federal law will warrant a full Congressional response. Further, the current reported plan to force vaccinations on military personnel prior to full FDA approval will rightfully bring forth a strong Article III challenge on many fronts. This is still America, good Sir. Freedom matters.

Respectfully,



Clay Higgins  
Member of Congress

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<sup>[1]</sup> *Doe v. Rumsfeld*, 341 F. Supp. 2d 1 (D.D.C. 2004)