

# EXHIBIT 8

# Congress of the United States

Washington, DC 20510

September 15, 2022

The Honorable Lloyd J. Austin III  
Secretary  
U.S. Department of Defense  
1300 Defense Pentagon  
Washington, DC 20301

Dear Secretary Austin,

We write to express our grave concern over the effect of the Department of Defense's Covid-19 vaccine mandate on the readiness of our Armed Forces, particularly the U.S. Army. As a result of your mandate, eight percent of the Army's approximately 1 million soldiers face expulsion, Army recruiters cannot meet their FY22 target, and the Army has cut its projected FY23 end-strength by 12,000 soldiers.<sup>1</sup> As a major land war rages in Europe our own military faces a self-imposed readiness crisis.

Based on the sparse data published by the Department of Army, at least 40,000 National Guardsmen, 20,000 Army Reservists, and at least 15,000 Active Army Soldiers have yet to receive a Covid-vaccine and now face discharge.<sup>2</sup> The Department of Defense's own Covid response page indicates that approximately 900,000 soldiers are fully vaccinated out of the 1 million soldiers in the Army, Army Reserve, and Army National Guard.<sup>3</sup> However, during July testimony before the House Armed Services Committee, the Vice Chief of Staff of the Army claimed that fewer than 20,000 soldiers were unvaccinated.<sup>4</sup> The Army has not published updated data for months. The opaqueness of the Department continues to frustrate Members of

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<sup>1</sup> In FY21, the U.S. Army contained 1,008,373 Soldiers. At least 84,000 face expulsion for not receiving a Covid-19 vaccine (8.3%), <https://api.army.mil/e2/c/downloads/2022/02/22/58c0f9fe/army-profiles-fy21-tri-fold.pdf>; The Army plans to cut 12,000 from its end-strength in FY23, <https://federalnewsnetwork.com/army/2022/03/armys-2023-budget-will-remain-relatively-flat-temporarily-shrink-end-strength/>; The Army has only met 40% of its FY22 recruiting goal, <https://www.nbcnews.com/news/military/every-branch-us-military-struggling-meet-2022-recruiting-goals-official-rcna35078>.

<sup>2</sup> At least 40,000 National Guardsmen are unvaccinated along with 10% of the Army Reserve (18,000 or more Soldiers), <https://apnews.com/article/covid-health-army-only-on-ap-government-and-politics-41f0f24bd26b2f8c4284e1fd396f88b8/gallery/60884872785c4533bd3a2440423b20e3>; Army Data from June 2<sup>nd</sup>, 2022 suggests that 3.1% or more of the Active Army remains unvaccinated, <https://www.army.mil/article/257228/>  
[department\\_of\\_the\\_army\\_announces\\_updated\\_covid\\_19\\_vaccination\\_statistics](https://www.army.mil/article/257228/).

<sup>3</sup> Department of Defense Coronavirus; DoD Response Webpage, <https://www.defense.gov/Spotlights/Coronavirus-DOD-Response/>, Current as of September 2<sup>nd</sup>, 2022.

<sup>4</sup> Testimony of Vice Chief of Staff of the Army, General Joseph M. Martin before the Readiness Subcommittee of the House Armed Services Committee on July 19<sup>th</sup>, 2022. <https://armedservices.house.gov/2022/7/subcommittee-on-readiness-hearing-fiscal-year-2023-readiness-program-update>

Congress attempting to perform oversight of the Executive Branch. Our repeated inquiries remain unanswered.

We are not the only ones frustrated. Thousands of these servicemembers have been left in limbo while they wait for the adjudication of religious and medical exemptions. Some have waited for nearly a year to learn if they will be forcibly discharged for their sincerely held religious beliefs or medical concerns. Most, if not all, of the small number of approved exemptions to date have gone to servicemembers in the process of leaving the Army.<sup>5</sup> Furthermore, according to current Army policy, even those few soldiers who receive permanent exemptions will be treated as second class soldiers for the rest of their careers— each of them requires approval from the Undersecretary of the Army to travel, change assignments, or even attend training courses away from their home station. The Department has abused the trust and good faith of loyal servicemembers by handling vaccine exemptions in a sluggish and disingenuous manner.

If 75,000 soldiers are discharged, it begs the question whether the Army will be able to replace them. As indicated in a House Armed Services Readiness Subcommittee hearing in July, the Army will need to make additional cuts in its end-strength, particularly in the Reserve Components, and it will have significant gaps in its operational capabilities.

At the very end of the fiscal year, the Army has only met 52% of its FY22 recruiting goal.<sup>6</sup> How will it recruit another 75,000 troops beyond its annual target to account for vaccine-related discharges? Earlier this summer, the service began accepting enlistees without high school degrees or GEDs, offering \$35,000 to any enlistee willing to go to basic training within 45 days, removing tattoo policies, and allowing soldiers to pick their first duty station. We are not at war, but the Army is reducing basic standards and offering enlistment incentives greater than or equal to those during the height of the War on Terror--with poorer results.

We clearly see your vaccine mandate as the primary cause of the Department's recruiting difficulties. According to the Centers for Disease Control and Prevention, over forty percent of men aged 18-24 years old have refused vaccination for Covid-19.<sup>7</sup> In the Southern United States, an area responsible for half of the nation's enlistments, that number is over fifty percent.<sup>8</sup> Off the bat, your vaccine mandate disqualifies more than forty percent of the Army's target demographic from service nationwide, and over half of the individuals in the most fertile recruiting grounds.

In the past, you have insisted the Covid-19 vaccine mandate is an imperative for readiness, but increasing amounts of data raise legitimate questions about your assertion. Servicemembers under 40 years of age without comorbidities have nearly no chance of death from the virus, and

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<sup>5</sup> Testimony of Secretary of the Army Christine Wormuth before the House Armed Services Committee on May 12<sup>th</sup>, 2022, <https://armedservices.house.gov/hearings?ID=BC7D976E-87D8-47A4-B818-7711504FC4E9>.

<sup>6</sup> <https://www.nbcnews.com/news/military/army-far-recruited-half-soldiers-hoped-fiscal-2022-rcna42740>

<sup>7</sup> <https://covid.cdc.gov/covid-data-tracker/#vaccination-demographics-trends>

<sup>8</sup> Only 49.1% of men aged 18-24 years old are fully vaccinated in the Southeast United States, <https://covid.cdc.gov/covid-data-tracker/#vaccination-demographics-trends>.

study after study has shown that covid vaccinations have negligible or even negative efficacy against the Omicron strains.<sup>9</sup> We also know that natural immunity provides better protection against infection and death than existing Covid vaccines, yet the Department still refuses to recognize it in lieu of vaccination.<sup>10</sup>

The data is now clear. The Department of Defense's Covid vaccine mandate is deleterious to readiness and the military's ability to fight and win wars. The vaccine provides negligible benefit to the young, fit members of our Armed Forces, and the mandate's imposition is clearly affecting the Department's ability to sustain combat formations and recruit future talent. *We urge you to immediately revoke your Covid-19 vaccine mandate for all servicemembers, civilian personnel, and contractors and re-instate those who have already been discharged.* Furthermore, we request the following information:

- How many soldiers remain unvaccinated by component, military occupational specialty (MOS), and years of service?
- How many soldiers have filed for religious, medical, and administrative exemptions?
- How many religious, medical, and administrative exemptions have been granted?
- How many airmen, sailors, and marines remain unvaccinated by component and Air Force Specialty Code (AFSC)/Rate/MOS?
- How much will it cost the Department to recruit, train, and PCS replacements for the soldiers facing expulsion for their failure to comply with the vaccine mandate?
- If all remaining unvaccinated soldiers are discharged and the Army continues recruiting at the same rate through the end of this fiscal year, what will be the projected FY23 end strengths of the Army, Army National Guard, and Army Reserve in six months?

Sincerely,

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<sup>9</sup> According to CDC data, men between 18 to 29 years of age had a death rate of 78 per one million cases. This includes men with existing comorbidities which are largely absent in the military like obesity, cancer, diabetes, and hypertension, <https://www.clevelandfed.org/en/newsroom-and-events/publications/cfed-district-data-briefs/cfddb-20220323-age-adjusted-covid-19-mortality-rates-by-demographic-groups.aspx>; Fully vaccinated individuals experience negative or negligible immunity against Omicron infection, <https://www.nejm.org/doi/full/10.1056/NEJMoa2203965>; Both boosted and fully vaccinated individuals lose immunity over time, <https://pubmed.ncbi.nlm.nih.gov/35249272/>.

<sup>10</sup> Previous infection provides equivalent or better immunity to being fully vaccinated and boosted, <https://www.nejm.org/doi/full/10.1056/NEJMoa2203965/>.



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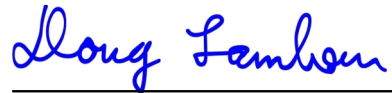
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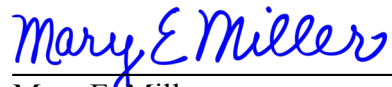
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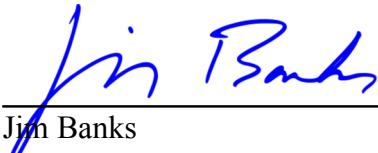
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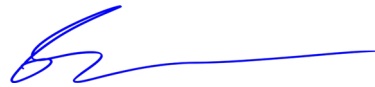
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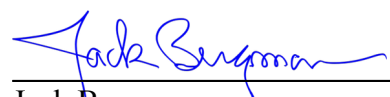
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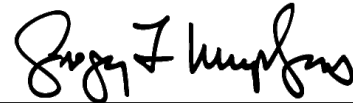
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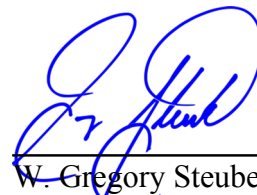
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