

PRESS RELEASE

FOR IMMEDIATE RELEASE

01-27-2025



BIG WIN FOR FIRST AMENDMENT RELIGIOUS LIBERTY: Federal Judge finds Coast Guard Violated Servicemembers' Religious Liberties in denying Vaccine Exemptions

Defending the Republic, along with its co-counsel and supporting attorneys, has been fighting in federal courts for the reinstatement with backpay and benefits for tens of thousands of military service members who were unlawfully punished and separated from service for refusing experimental COVID-19 vaccines in contravention of their sincere religious beliefs. These service members also challenged the authority of the Coast Guard to mandate the COVID-19 vaccines, which were under an Emergency Use Authorization (EUA) and without a Presidential waiver.

In a groundbreaking [opinion and order issued in *Harkins v. USA*](#), a putative class action filed on behalf of 1,000+ Coast Guard members who were illegally discharged, United States Court of Federal Claims Judge Armando Bonilla has found that the Coast Guard did not administer its COVID-19 vaccine policy in accordance with the First Amendment and the Religious Freedom and Restoration Act (RFRA).

Judge Bonilla noted that the Coast Guard had granted zero religious exemption requests – out of thousands submitted – until rescission of the vaccine mandate in 2023. By contrast, the Coast Guard had little problem granting medical exemptions, which suggested hostility to the religious beliefs of its Guardsmen. He concluded that the Coast Guard **“predetermined that the military’s need for near-universal vaccination trumped the constitutional rights and religious liberties of individual Coast Guardsmen.”**

These actions **“ran afoul of the letter and spirit of RFRA”**, as Guardsmen were not only subjected to blanket denials of their religious exemptions but forced to endure a futile appeal process of those denials. These preordained decisions, according to Judge Bonilla, were **“cruel.”**

Judge Bonilla also rejected the government’s argument that the “FDA-approved” COVID-19 vaccines and the UEA vaccines were “medically interchangeable” – an argument the Coast Guard and other branches of the military have long-argued to circumvent laws that prohibit servicemembers from being subjected to experimental vaccines.

PRESS RELEASE

FOR IMMEDIATE RELEASE

01-27-2025



Considering this, Judge Bonilla stated that the Coast Guard had two options in its COVID-19 vaccine mandate: “recognize the service members’ right to refuse administration of the EUA product offered or seek a presidential waiver of informed consent.” The Coast Guard did neither. Thus, Judge Bonilla held that the Coast Guard’s punishment of these Guardsmen was in error and ordered that **their violations of refusing the COVID-19 vaccines “must be expunged from their military records.”**

Finally, Judge Bonilla discussed remedies available to the Coast Guard members who were improperly removed from service. For those who were involuntary separated, Judge Bonilla stated the Coast Guard’s hostility to their religious beliefs **“calls into serious question whether they were properly separated for the convenience of the government”** or if instead this was a pretext for illegal discharges and purge of religious service members.

Given these findings, Judge Bonilla has **ordered the reassessment of these Guardsmen’s “religious accommodation requests to conclusively determine whether they were properly involuntarily discharged.”**

The issue of reinstatement of backpay and benefits for these wrongly-separated Guardsmen is ongoing. But, based on these damning conclusions, there is hope that the Trump Administration will seek to undo the past wrongs of the Biden Administration.

It has been reported that President Trump is expected to issue an executive order soon directing that illegally discharged service members be reinstated with full backpay which should be the basis for settlement discussions to ensure that service members receive full and complete relief for the harms they suffered.

Your support to Defending the Republic has allowed us to fight for the rights and religious liberties of all military servicemembers, and we still have cases pending on behalf of many others. [Please help us continue this fight by donating today.](#)