

United States Senate

April 1, 2022

Lt. Gen. Richard M. Clark
United States Air Force Academy
2304 Cadet Drive, Suite 3100
USAF Academy, CO 80840-5002
c/o Michael.Salyer.2@us.af.mil

Lt. Gen. Darryl A. Williams
United States Military Academy
2107 New South Post Road
West Point, NY 10996
c/o Katlyn.I.Shagory.Mil@army.mil

Vice Admiral Sean Buck
United States Naval Academy
121 Blake Road
Annapolis, MD 21402
c/o Matthew.C.Molloy.Mil@us.navy.mil

Dear Gen. Clark, Gen. Williams and Admiral Buck:

I write to express grave concern with the COVID-19 vaccination mandate policies at your institution and to seek information about these policies to ensure your respective academies have instituted a legally compliant system to consider and review religious and health exemption requests submitted by your institution's cadets or midshipman, as the case may be.

My office has received numerous letters from persons enrolled at our nation's military academies and their families. These letters state that cadets and midshipman are routinely being denied requests for religious and health exemptions with respect to the implementation of the Department of Defense's COVID-19 vaccine mandate. This is unacceptable.

Since the memorandum titled "Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members" was first issued by Secretary of Defense Lloyd Austin on August 24, 2021, I have repeatedly raised concerns about the manner in which this directive has been implemented, not only as affects military personnel generally but also as to the impact on individuals enrolled in our nation's military institutions. I am concerned that our nation's military academies have not given appropriate deference to religious and health exemption requests consistent with laws duly enacted by Congress, such as the Religious Freedom Restoration Act (RFRA), the Americans with Disabilities Act (ADA), and other civil rights laws. I am also deeply troubled with reports concerning the manner in which our nation's service academies have implemented vaccine-related policies, leading to requests for exemption being summarily denied.

The Biden Administration has clearly overreached when it comes to rules, regulations and orders that impose vaccine mandates on American citizens. In a number of cases, these mandates have been struck down or blocked from going into effect by the courts. For example, on January 13, 2022, the Supreme Court struck down the Biden Administration's vaccine mandate issued by the

Occupational Safety and Health Administration (OSHA) which required COVID-19 vaccines or weekly testing and the wearing of face coverings for all private employers with 100 or more employees.

Congress has also weighed in on the vaccine mandate issue. On December 8, 2021, a majority of the United States Senate voted in favor of a resolution of disapproval that would overturn President Biden's workplace mandate affecting businesses with at least 100 employees. Additionally, on February 17, 2022, the Senate voted 46 to 47, narrowly defeating the Lee-Cruz amendment that would have repealed five of the Biden Administration's vaccine mandates, including the DOD mandate.

In your current capacity, you have taken on the responsibility to lead one of our nation's finest institutions and to help mold the character and intellect of America's next generation of military officers. As part of your responsibility, you have a sacred duty to instill in the young men and women enrolled in your academy not only a proper respect for the chain of command in our civilian-led military but also to ensure that officers are able to deduce right from wrong when given an order. Any institutional failure to follow our nation's civil rights laws, including those protecting religious views, undermines the core objective of your institution.

Therefore, it is incumbent on each of you to ensure that every request for a waiver from your institution's COVID-19 vaccine mandate is fully and fairly considered, consistent with federal civil rights laws. In order to ensure that your institution is following all applicable civil rights laws, I am hereby requesting responses to the following requests and questions listed and ask that you provide your response no later than April 8, 2022. Please provide a separate response to each question below, rather than a narrative response.

1. Please provide a copy of all written materials, policies, guidelines, directives, notices and any other materials that explains your academy's current COVID-19 vaccine policies and the manner in which an individual is able to seek an exemption from that mandate.
2. Please provide a copy of all written materials, guidelines, directives, notices and communications related to COVID-19 vaccines received by your institution from the White House and/or the Department of Defense.
3. Please provide the total number of requests submitted in response to your institution's COVID-19 vaccine mandate that seek an exemption based on religious grounds or due to sincerely held beliefs. In your answer, please distinguish between requests for exemptions submitted on these grounds by academy employees as compared to cadets/midshipman.
4. Please provide the total number of approvals granted in response to any request for an exemption to your institution's COVID-19 vaccine mandate based on religious grounds or due to sincerely held beliefs. In your answer, please distinguish between approvals granted to employees as compared to cadets/midshipman.

5. Please provide the total number of requests submitted in response to your institution's COVID-19 vaccine mandate that seek an exemption based on health reasons or medical purposes. In your answer, please distinguish between requests for exemptions submitted on these grounds by academy employees as compared to cadets/midshipman.
6. Please provide the total number of approvals granted in response to any request for an exemption to your institution's COVID-19 vaccine mandate based on health reasons or medical purposes. In your answer, please distinguish between approvals granted to employees as compared to cadets/midshipman.
7. Please provide the total number of unvaccinated cadets/midshipman there are currently enrolled at your institution (and any other program or institution under your supervision), as of March 31, 2022.
8. Please provide the following information in relation to each person who requested a waiver or exemption from your institution's COVID-19 vaccine mandate policy:
 - a. The individual's age
 - b. His or her gender
 - c. For any cadet/midshipman, his or her academic year
 - d. For military personnel, such as faculty, his or her rank
 - e. Religious denomination (if any)
 - f. The disposition of the request for waiver or exemption (approved or denied)
 - g. The time and date on which a request for waiver or exemption was submitted
 - h. The time and date on which a request for waiver was granted or denied; and
 - i. The name and title of the individual who made the determination to grant or deny the request for waiver or exemption.

Thank you for your attention to this request. I look forward to your prompt reply.

Sincerely,



Ted Cruz
United States Senator