

Congress of the United States
Washington, DC 20515

November 4, 2021

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Attorney General Garland,

During the October 21, 2021, hearing before the House Judiciary Committee, you brazenly testified to your understanding that President Biden's vaccine mandate that forces Service Members and other federal employees to be injected against their will "allows exceptions provided by law," and that, "the Religious Freedom Restoration Act is a provision of law."

As you know, the Religious Freedom Restoration Act of 1993, 42 U.S.C. 2000bb, "ensures that interests in [religious](#) freedom are protected," ironically introduced by then-Congressman [Chuck Schumer \(D-NY\)](#) on March 11, 1993. A companion bill was introduced in the Senate by [Ted Kennedy \(D-MA\)](#) on the same day. A unanimous [U.S. House](#) and a nearly unanimous [U.S. Senate](#) passed the bill, and President [Bill Clinton](#) signed it into law. In general, this law ensures that government shall not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, except as provided in subsection (b).

Under such exceptions, government may substantially burden a person's exercise of religion **only** if it demonstrates that application of the burden to the person (1) is in furtherance of a compelling governmental interest, and (2) is the least restrictive means of furthering that compelling governmental interest.

While you testified regarding the validity of such exemptions, minions of the Biden Administration throughout the Department of Defense knowingly were engaged in a campaign of blanket denials by enacting policies through memorandum, and abuse of authority both verbally and implicitly (documents attached).

Soldiers, Marines, Sailors, Airmen, and their civilian counterparts are guaranteed a Constitutional right to full and fair consideration of their applications for religious exemption, to be considered seriously/with due diligence, on an individual basis, and allowed through the least restrictive means possible. Instead, they've been thwarted at every turn by intimidation, collusion and corruption - all tilted in a manner to coerce and control instead of accommodating their God-given rights.

What could be more antithetical to "least restrictive means" than a blanket denial program with no intention of following the spirit or rule of law? Yet this is exactly what's happening daily to those who simply want to serve while preserving their religious rights.

Americans have a word for knowingly misleading or deceiving someone into believing something that the perpetrator knows to be false: fraud. It is, in fact, fraudulent to tell our Warriors

and federal employees that you're going to preserve their constitutional and religious rights through exemption, and then either by deed or implied intent, disallow any of those exemptions.

Fraud is precisely that over which Secretary of Defense Lloyd Austin has engaged and presides.

On August 9, 2021, SECDEF issued an official memorandum wherein he explained how he'll ensure the continued health and safety of the US military through the use of the available COVID-19 vaccines. Subsequently that day, Pentagon Press Secretary [John F. Kirby clarified his guidance, saying that for Service Members who have religious objections](#) to receiving a vaccine, the path for how they might seek an exemption is defined by individual military service regulations,

"There is a religious exemption possibility for any mandatory vaccine, and there's a process that we go through to counsel the individual both from a medical and from a command perspective about using a religious exemption," Kirby said.

"Counseling includes a discussion with both a medical professional and a commander about the risks of not being vaccinated, as well as how not being vaccinated might affect deployability, assignments or travel. Requests for religious exemption differ by service," he said.

"We take freedom of religion and worship seriously, in the military, it's one of the things that we sign up to defend," he said. "And so it's something that's done very carefully."

Clearly, these are hollow words. In fact, what has transpired since this edict has been anything but careful consideration and protection of the freedom of religion. The memorandum and affidavits by U.S. Navy personnel expose this sham and the unconscionable, reprehensible, and outrageous plan to deprive American Service Members and the civilians who support them of their liberties.

Under 18 U.S.C. § 1001, it is a crime for an individual to "knowingly and willfully ... make any materially false, fictitious, or fraudulent statement or representation" within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States. Through his memorandum and subsequent presiding over the forced vaccination of Service Members and DoD employees without regard for or consideration of their religious liberties, Secretary Austin knowingly made a statement that is utterly and intentionally false. Accordingly, I refer Secretary Lloyd Austin for violation(s) of 18 U.S.C. § 1001.

Very Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Perry', written in a cursive style.

SCOTT PERRY
Member of Congress
10th District, Pennsylvania