



[See also: Ongoing “Ideological Purge” Criticized in Open Letter from Retired USCG 3-Star](#)

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Subj: OPEN LETTER TO MY FELLOW U.S. COAST GUARD FLAG OFFICERS

October 3, 2022

As many of you know, I have advocated publicly for seven cadets who were recently discharged from the USCGA for failing to comply with DOD’s vaccine mandate. Each had applied for, and had been denied, a religious exemption. I have been publicly rebuked, harshly, for doing so. This letter will explain the facts and circumstances underlying my actions.

I am not now, nor have I ever been, anti-vaccine. I took both shots and advised a number of officers and enlisted members who sought my counsel to do the same. I find no fault in the decisions made by operational commanders at the height of the pandemic who judged it necessary to make the vaccine mandatory. I would have done likewise. But, as with any new disease, with time, scientific understanding has markedly increased, treatments for those infected have been developed, and the effects on both the general population and specific cohorts of the population are better known and predictable. Unquestionably, the risks of prolonged and severe disease, and of adverse outcomes, are now reduced, particularly for those of military age and who are otherwise healthy.

The American people have moved on. The President himself has declared “the Pandemic is over.” Yet, we continue with an outdated mandate and to purge good people, even though we struggle to meet our recruiting goals. The legality of the order itself is under significant scrutiny, with at least three federal injunctions in place. The CDC just issued new guidance that advises that the vaccinated and the unvaccinated need not be treated differently.

It's time to pause and reevaluate whether, for some demographics at least, the cure has become worse than the (diminishing) disease, and, in the case of the military's mandate, whether material violations of law have occurred. Science has rapidly moved forward, but DOD inexplicably is not keeping up. Vaccine protocols, in practice, require demographic stratification in order to keep up with the science, particularly where the risk-benefit analysis necessarily depends on demographic considerations.

Bringing this issue into the public domain is not easy for me, for I'm keenly aware that I may appear to some to be the dissident in a club that expects blind loyalty and whose rules require that retired Flag Officers go home and shut up, leaving the service in the capable hands of those behind us. That was my plan. But I am not blind, and there comes a time when prior leaders should question, and seek accountability of, those responsible for maintaining the core values and culture put in place by the chiefs and officers who preceded them. I believe now is such a time.

The men and women in the bowels of the ship are becoming uncomfortable. Trust is eroding as our sailors question the motives and judgment of those who, despite the evidence, are sticking to a mandate that is no longer necessary; who have resorted to apparently unlawful measures to continue enforcing it; who have embraced a culture with ideologies antithetical to unit cohesion; that divides people into identity groups; and that promotes the acceptance – without question - of flags and symbols that may be offensive to men and women of faith. They have no voice. There is shoal water ahead, and the ship's bridge isn't listening to the lookouts on the fo'c'sle.

Herein lies the challenge to my fellow flags: Who, if not we, will question a military institution when it has gone, perhaps unwittingly, awry? Are we to be “good men [who] do nothing”? When the course deviation transgresses our Constitution, it is our obligation to adhere to our oath to support and defend the Constitution by seeking to enforce its principles.

A former Army officer and lawyer put it best:

*“The military officer's oath includes the words “... that I will bear true faith and allegiance to the same” (referring to the Constitution). Those unqualified words are in our oath to emphasize the point that our highest obligation as officers is to our Constitution, superior to any obligation that we may owe to the military service in which we serve, owe to any group, to any individual, to our peers, to ourselves (including our careers and approval from our peers), and to any supposed (but nowhere codified) obligation of retired flag officers to refrain from speaking publicly about any “political” issue. “*

After investigating the circumstances and conferring with counsel, it appears that DOD and the CG have violated the rights of USCGA cadets under the First Amendment and the federal Religious Freedom Restoration Act by dismissing them for not taking the vaccine despite their sincere religious objections.

Our Constitution requires that the President (and by extension, his subordinate officers) "shall take Care to ensure that the Laws be faithfully executed." It appears that relevant laws have not been faithfully executed with regard to the cadets' (and others') religious exemption requests to the vaccine mandate.

The DoD vaccine mandate's propriety, even if lawful when first issued, has since been called into question by no less an authority than the Department of Defense Inspector General. The DOD IG Report found that the services materially deviated from their own, required procedures,

codified in regulations, for handling of religious exemption requests. Individual review of all of the facts and circumstances relevant to each specific request is required, but, according to the Report's findings, appears not to have occurred. The Report also notes that the means least disruptive to the requesting member's religious beliefs and that do not impede a compelling government interest are to be employed; yet, according to the Report those criteria have not been properly applied.

The efficacy of the vaccine in preventing disease and transmission has been less than the entire nation was led to believe. The young and generally healthy military personnel cohorts are at very low risk of developing serious illness. Adverse, sometimes serious, side effects are more frequent, varied, and prolonged than initially estimated. The mandate's predicate, that a fully vaccinated military workforce is crucial to readiness, was, based on the limited information then available, an ostensibly reasonable basis for the blanket mandate. It is becoming ever more doubtful almost daily.

Reports of recruiting struggles across the services indicate that the vaccine mandates are an impediment to recruiting, exacerbating the current recruiting and retention problems that are already impacting force strength in some DoD components. Enforcement of the blanket mandate is also resulting in separations of thousands of personnel and therefore is exacerbating force strength issues, and thus readiness concerns.

I have concluded that the policies and practices about which I am speaking publicly likely involve Constitutional (First Amendment) and federal statute violations. Some, after thorough investigation, objective analysis, and legal consultation, may disagree; but surely all will agree that I have the right to reach my own, informed conclusion, and, consistent with my oath, to voice it on behalf of those who have no voice in an effort to end those violations.

To my esteemed colleague who made this missive necessary: Your words were no doubt sincere, but they are misguided. You are advocating for the continuation of a policy that is now causing enormous harm to the service you led. This track line is not good for the country, the Coast Guard, or the mariners we serve. My in-box has exploded with notes from many front-line operators who are incredulous that leadership cannot see the flawed logic that you, and others, so inexplicably cling to. Those dedicated men and women – vaxed and unvaxed -- have highlighted facts that they want brought to the public's attention, not the least of which is actual risk to readiness, and the cost to the taxpayers, caused by DOD's intransigence:

Let us just examine the rescue swimmer (AST) rating: The folks in the field, directly involved, have informed me that they are currently short 44 swimmers, for an overall rating strength of 89% (note: below 95% = critical). The number of ASTs seeking an accommodation to date is at least 26 confirmed. Of those 26 confirmed, five have retired and four have separated—all due to the mandates. Losing 19 more will drop the rating strength even lower. Not ideal for a school with a running attrition rate of 80%.

As your previous Atlantic Area Commander, I ask you, how do you expect to support surge operations for natural disasters if they can't even cover their own duty schedules? Does anyone in their right mind think that a distressed fisherman treading water in the Gulf of Alaska really cares about the vax status of his rescuer? Certainly not. The only thing he cares about is whether there is someone on duty to rescue him. This, sir, is truly the more important matter.

And lastly, a prior AST schoolhouse instructor has told me that he fears the added pressure on maintaining readiness will lead to lower standards as they struggle to fill the ever -widening gaps created by this flawed leadership decision.

Which town(s), which cities, which coastlines, do you recommend we leave unprotected just to punish these devoted public servants? Police and Fire responders have seen the light – they have adjusted to changed circumstances --- why can't others?

When I first raised this issue, it was about cadets. Nothing more. Having been ignored, it is now a campaign for ALL of them – the entire spectrum of unvaxed people who had the moral courage to stand by their religious convictions. These are good, dedicated, highly trained individuals that we have spent a ton of money to develop. People with up to 18 years of service, forced out, with no pension. Anyone willing to give up that, rather than break faith, is someone I admire.

You came at me hard in your public rebuke when you asked: “*What part of the oath you raised your hand and swore to exempts you from failing to obey the orders of ... the President?*”

Good question ... to my knowledge, I never did disobey the orders of the President. If I believed an order of the President was illegal, however, I would not obey and retire, instead. Most importantly, we swore allegiance to the Constitution, not to the President or other superiors, and keeping faith with the Constitution requires us to disobey any order that does not comport with the Constitution.

Even you, yourself, disobeyed the President in 2017 over the transgender issue. It was a stance that I frankly admired, because you made a statement that I supported wholeheartedly; i.e., “*I will not turn my back. We have made an investment in you, and you have made an investment in the Coast Guard, and I will not break faith.*”

The Constitution and federal law, not to mention the science, are on the side of many dedicated sailors and cadets. I am now involved because the service that they love has indeed broken that faith, ironically enough, because of their faith.

Perhaps in the heat of the moment, you accused me of being “*an embarrassment to the service you led.*” I must admit, it stung. Leadership can be lonely, but the many communications I have received leave no doubt that those I am supporting think otherwise. On the other hand, your having labeled many of them as “*insubordinate wrong doers*” is a badly misinformed mischaracterization deserving of reconsideration and, respectfully, an apology.

And for all of my fellow flags, if you think this is an important discussion, please research the treatment of these 7 cadets and other CG members who have been discharged or are threatened with discharge, such as the rescue swimmer that the President called this week to congratulate for rescue efforts during Hurricane Ian. Whatever conclusion you may come to, I fully support your right to speak about it.

Even the best of organizations can be slow to reverse course and correct their errors, often requiring external force to do so. I intend to be that external force.

Yours, most sincerely,

Wm. Dean Lee VADM, USCG (ret)

