

JIM BANKS
THIRD DISTRICT, INDIANA



COMMITTEE ON
ARMED SERVICES

COMMITTEE ON
EDUCATION AND THE WORKFORCE

SELECT COMMITTEE ON THE
STRATEGIC COMPETITION
BETWEEN THE U.S. AND THE
CHINESE COMMUNIST PARTY

Congress of the United States
House of Representatives
Washington, DC 20515-1403

March 7th, 2023

Vice Admiral Joanna M. Nunan
Superintendent of the United States Merchant Marine Academy
300 Steamboat Road
Kings Point, New York 11024

Superintendent Nunan,

I am writing to demand that the US Merchant Marine end its blanket denial of religious exemptions to its COVID vaccine mandate, which violates federal law and E.O. 13978.

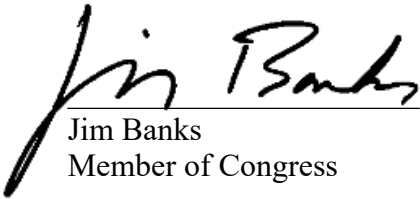
During your assumption of command, you took an oath to “...*support and defend the Constitution of the United States...*”. As of today, the USMMA’s [website](#) says that “neither medical nor religious exemption requests will be accepted or processed for vaccination requirements.” This statement appears to be a violation of your oath of office and an illegal attack on the constitutional rights of current and potential Midshipmen.

[The memorandum on Executive Order 13798](#) clearly states individuals with religious objections to certain forms of medical treatment are allowed to opt out of such treatment. See, e.g., 33 U.S.C. § 907(k); 42 U.S.C. § 290bb-36(f).

Furthermore, the Supreme Court’s ruling in *Burwell v. Hobby Lobby* found that the Religious Freedom Restoration Act of 1993 (RFRA) requires government officials to demonstrate they have not burdened “the particular claimant[‘s]” ability to exercise their religion. U.S. District Judge Steven Douglas Merryday cited the DoD’s unlawful RFRA violations in his August 4, 2022, preliminary injunction prohibiting the DoD from enforcing its vaccine mandate or retaliating against unvaccinated servicemembers.

In addition, please provide my office with the following records no later than March 14, 2023:

- All written communications between Ilene Kreitzer, the Counsel to the Academy, and yourself, the Assistant Superintendent for Strategy & Policy, the Commandant of Midshipmen and any faculty member in the Professional Development & Career Services Department, regarding the USMAA's decision to prohibit religious exemptions for its COVID vaccine mandate and punitive measures toward current or potential Midshipmen who did not comply with this mandate.
- All written communications between yourself, or the Assistant Superintendent for Strategy & Policy or the Commandant of Midshipmen or the Counsel to the Academy or any faculty member in the Professional Development & Career Services Department, and the Department of Transportation regarding the USMAA's decision to prohibit religious exemptions for its COVID vaccine mandate and punitive measures toward current or potential Midshipmen who did not comply with this mandate.



Jim Banks
Member of Congress