



GOVERNOR GREG ABBOTT

December 16, 2021

The Honorable Lloyd J. Austin III  
Secretary  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

Dear Secretary Austin:

As Governor of Texas, I am the commander-in-chief of this State's militia. In that capacity, on October 4, 2021, I ordered the Adjutant General of Texas to comply with my Executive Order GA-39. My letter to Major General Tracy R. Norris read as follows:

As you know, I issued Executive Order GA-39, which commands that "[n]o governmental entity can compel any individual to receive a COVID-19 vaccine." That includes the Texas National Guard and Texas State Guard.

Under this order, General Norris will not punish any guardsman in Texas for choosing not to receive the vaccine.

If unvaccinated guardsmen suffer any adverse consequences within the State of Texas, they will have only President Biden and his Administration to blame. Your memorandum of November 30, 2021 threatens to cut off the flow of federal dollars for unvaccinated members of the National Guard who serve in a so-called "Title 32" status. The Secretary of the Air Force has gone even further, explicitly warning of discharge proceedings in a memorandum of December 7, 2021.

This willingness to hollow out the National Guard is unconscionable in the face of growing global threats and a border crisis created by the Biden Administration. It is also in tension with recent legal decisions. President Biden and his Administration have suffered a string of losses in the federal courts with their other illegal vaccine mandates. *See BST Holdings, L.L.C. v. OSHA*, 17 F.4th 604 (5th Cir. Nov. 12, 2021) (enjoining the OSHA mandate); *Texas v. Becerra*, No. 2:21-cv-229 (N.D. Tex. Dec. 15, 2021) (enjoining the CMS mandate); *Georgia v. Biden*, No. 1:21-cv-163 (S.D. Ga. Dec. 7, 2021) (enjoining the federal-contractor mandate).

Honorable Lloyd J. Austin III

December 16, 2021

Page 2

The State of Texas will not enforce this latest COVID-19 vaccine mandate against its guardsmen. If the federal government keeps threatening to defund the Texas National Guard, I will deploy every legal tool available to me as Governor in defense of these American heroes.

Sincerely,

A handwritten signature in black ink that reads "Greg Abbott". The signature is written in a cursive, flowing style.

Greg Abbott  
Governor

GA:jsd