

Oklahoma National Guard Goes Rogue, Rejects COVID Vaccine Mandate after Sudden Change of Command

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The new commander of the Oklahoma National Guard has declared the organization will not enforce the Defense Department’s COVID-19 vaccine mandate on its troops, according to local media outlets.

Army Brig. Gen. Thomas Mancino was announced as the state’s new adjutant general Wednesday, though he has not yet been confirmed by the state Senate, according to a [press release from Gov. Kevin Stitt’s office](#).

On Nov. 2, Stitt formally requested that DoD not enforce the mandate on the state’s Army and Air National Guard members. In the letter, which his office posted online, he said that 10% of the state’s troops had refused the vaccine and that the mandate was “irresponsible.”

The Defense Department is aware of the Mancino memo and Stitt’s letter and “will respond to the governor appropriately,” Pentagon spokesman John Kirby said in a statement.

He did not elaborate.

“That said, Secretary Austin believes a vaccinated force is a more ready force,” said Kirby. “That is why he has ordered mandatory vaccines for the total force, and that includes our National Guard, who contribute significantly to national missions at home and abroad.”

The state’s former top general, Army Maj. Gen. Michael Thompson [told local reporters Thursday](#) that he learned who his replacement was via social media. He was previously scheduled to transfer command to Mancino on Jan. 15, 2022, according to [the Oklahoman](#).

The day after taking the reins from Thompson, Mancino issued a policy memo declaring that the state would not enforce the mandate on its troops when they are under state control.

The move is an apparent rejection of DoD's orders to discipline [and ultimately discharge servicemembers](#) who reject the vaccine.

□READ: One of first actions taken by new Oklahoma National Guard Adjutant Gen. Thomas Mancino: rescind the [#COVID19](#) vaccine requirement for Guardsmen.

According to memo, however, if they are federally mobilized, members will have to be vaccinated. [@OKCFOX pic.twitter.com/cHozZx7zqE](#)

— Dan Snyder (@DanSnyderFOX25) [November 12, 2021](#)

"No Oklahoma Guardsman will be required to take the COVID-19 Vaccine," Mancino says in the Thursday memo, which states that Stitt is the force's "lawful Commander in Chief" when not mobilized by the federal government.

Although National Guard troops do belong to their governors when not mobilized by the Pentagon, federal requirements often supersede any state uses of the Guard, as senior leaders often emphasize. That's because the vast majority of Guard funding, training and equipment comes from the federal government.

It's not yet clear whether the order will jeopardize that funding.

Title 32, the section of the U.S. Code that pertains to the National Guard, [includes a section](#) specifying that states that do not comply with Title 32 regulations forfeit their federal funding for the Guard. It's not clear, though, whether the vaccine mandate meets that legal threshold.

In an email to Army Times, Stitt's top spokesperson, Charlie Hannema, argued that the "only way Oklahoma would 'forfeit' any federal funding for failing to comply with Title 32 would be to ignore the lawful order of the dually elected civilian authority, i.e. The Governor of Oklahoma."

But Air Force Maj. Matthew Murphy, a National Guard Bureau spokesperson, [told Stars & Stripes](#) that the issue of the vaccine mandate was a "legal gray area that would have to be reviewed by our lawyers."

"This is where the difference between Title 32 and Title 10 becomes a real becomes an issue," Murphy told Stars & Stripes. "In most instances, the guardsmen are in their Title 32 capacity, which means they're on state duty. In order to be federalized, they have to be on Title 10."

In a [statement to the Oklahoman](#), the state's top spokesperson, Lt. Col. Geoff Legler, explained that the memo "does not provide any protection should they need to attend any military school or training activity run by an active duty component or the Department of Defense."

When Army Times reached out to the Oklahoma Guard, an official indicated that they were not authorized to make any statement or share the memorandum. National Guard Bureau and DoD spokespeople were unable to immediately offer comment, either.

It is not clear whether Thompson was fired because he refused to rescind a policy memo requiring troops to get the COVID-19 vaccine — he referred questions on the matter to Stitt's office.

Hannema did not address why Thompson's departure was abruptly accelerated.

A previous vaccine policy memo from Thompson, which Mancino's order rescinded, had indicated that there would be "consequences" for "uniformed members and Title 5 [federal] civilian employees" who declined the shot, according to the Oklahoman. The policy was in line with DoD guidance on the issue.

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Featured image: Army Brig. Gen. Thomas Mancino issued an order halting the Oklahoma Army and Air National Guard's mandatory COVID-19 vaccine rollout on Nov. 11, 2021, less than 24 hours after his sudden appointment as the state's top general. (Oklahoma National Guard)

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