

Judge Extends Emergency Relief, Questions Biden-Backed Removal of Servicemembers

At the conclusion of a hearing Thursday, federal Judge Steven Merryday extended the temporary restraining order for two servicemembers as a result of Liberty Counsel's request for an emergency injunction in Navy SEAL 1 v. Biden.

While this hearing focused on two military members who faced imminent discipline, the court also has before it a request to grant relief for all the plaintiffs and a request to certify the class to cover all military members who submitted religious accommodation requests.

Two of the multiple plaintiffs in the case were scheduled to be disciplined on Feb. 2 and Feb. 3 after their appeals for religious exemptions were denied by their respective military branches. A Marine Corps lieutenant colonel and a Navy command surface warfare officer testified anonymously yesterday in person during the hearing. Both plaintiffs have sincerely held religious beliefs about not taking the COVID shot since the injections are all associated with aborted fetal cells.

At times, the commander choked with emotion as he testified. Based on the testimony of both military members and the argument by the government attorneys, the Department of Defense is taking an arrogant attitude that the federal courts have no authority to order the military to abide by the First Amendment or the federal Religious Freedom Restoration Act. It is clear the military is denying the religious accommodation requests with rubber-stamp language and is not doing individualized assessments. The military's arrogant and

shortsighted position is that any military member who refuses the shots for religious reasons should be removed from the services.

Merryday pressed the Department of Justice counsel about the fact that the military is not showing that removing service members is the least restrictive means available. He also noted that he has to weigh the adverse impact of removing a highly qualified and skilled service member who is not easily replaceable against the minimal, if any, benefit of a "vaccine" in view of the fact that it is not preventing the transmission of omicron. He pointed out that the military is now at its highest rate of vaccinated service members and also at the highest rate of COVID cases. With the shot not preventing transmission, "'Why cannot a small number of service members remain unvaccinated because of their religious beliefs?" he asked.

The temporary restraining order was scheduled to expire Feb. 10, so Merryday extended it to February 18, at the conclusion of the almost 9-hour hearing, to give him more time to write the order on the preliminary injunction. Liberty Counsel represents plaintiffs from five branches of the military, federal employees and federal civilian contractors who have been unlawfully mandated to get the COVID shots or face punishment and discharge from the military or termination from employment. While the current order applies to two of the many military plaintiffs because of the immediate harm, the lawsuit includes members from all branches of the military and also requests class certification to cover every member whose religious exemption has been denied.

The military branches have continued to deny religious exemptions while granting medical exemptions. The latest filings received by the court as of Feb.4, 2022, show that out of 24,818 religious exemption requests received, only four were granted, and three of those are questionable since those service members were already scheduled to leave the military.

However, 4,146 medical exemptions have been granted.

Liberty Counsel founder and Chairman Mat Staver said on Friday, "Yesterday's hearing is a positive step toward finally putting an end to this abuse of the law and of our military personnel. It is shameful how the military is treating these honorable service members. This abuse must stop. These heroes sacrifice everything to defend our freedom, and we are honored to defend them." {eo}

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