

Liberty Counsel Seeks Swift Relief for Punishing Marine Corps Captain Over Vaccine Refusal

Liberty Counsel has asked Federal Judge Steven Merryday for a temporary restraining order on behalf of a United States Marine Corps captain who needs relief from the shot mandate before 2 p.m. ET Thursday or he faces life-altering discipline.

Liberty Counsel represents plaintiffs from all branches of the military who were denied religious exemptions from the COVID shot mandate in *Navy SEAL 1 v. Austin* (formerly Biden). One of the plaintiffs is a Marine Corps captain whose religious convictions prevent him from receiving the COVID shot. The Marine Corps has ordered the captain to receive the injection by today, March 3 at 3:00 p.m. or be in violation of “a lawful order” subjecting him “to punitive and/or administrative action.”

Desiring to serve his country, he enlisted in the Marine Corps in 2014, graduating from recruit training in March 2015. After serving with a law enforcement battalion and earning his undergraduate degree, the captain was selected for Officer Candidate School and commissioned as a second lieutenant in 2016. After graduating from the Basic School, he attended the Military Police Basic Officer Course, with his first duty assignment at a Marine Corps law enforcement battalion as a platoon commander. He has attended courses in Norway and commanded a military police integrated company during a NATO exercise and has been deployed in several locations, including Africa. This captain desires to continue serving in the Marine Corps, consistent with his Islamic religious beliefs that

require him to abstain from participation in that which is *haram*—forbidden—including the destruction and commoditization of innocent human life, as exemplified by the commercial use of human fetal cell lines derived from abortions.

On Feb. 22, Liberty Counsel filed a declaration in Navy SEAL 1 in support of the request for Merryday to issue a preliminary injunction for the remaining 28 plaintiffs in the case, and to certify the entire class of the military and provide relief from the unlawful shot mandates.

On Feb. 18, Merryday granted a preliminary injunction for two service members in Navy SEAL 1 v. Austin who were denied religious exemptions from the COVID shot mandate. The court based its ruling on the federal Religious Freedom Restoration Act, finding that the Marines and the Navy failed to demonstrate “to the individualized person” two of RFRA’s essential requirements on government action that burdens a person’s sincere religious belief—a compelling interest and the least restrictive means. This conclusion alone will essentially undo the blanket requirement placed on service members to get the COVID shots when such action burdens their sincere religious beliefs.

In addition to the plaintiffs in the case, as of Feb. 22, 2022, Liberty Counsel has been providing legal assistance to more than 730 service members from the Army, Air Force, Space Force, Navy, Marine Corps and Coast Guard. Liberty Counsel maintains an internal “Service Member Final Denial List” for service members who have contacted Liberty Counsel and whose final religious accommodation appeals have been denied.

Before service members receive final denials, many are required to vacate on-base housing, and their families are left homeless. These families also are being forced to pay out of pocket to live in hotel rooms or travel trailers. Members on overseas deployments have been told they will not be granted terminal leave to return from overseas, pack down

their on-base housing, transition to the civilian sector, find employment and receive pay while doing so. Instead, they are given only four days of leave to complete all that.

Liberty Counsel founder and Chairman Mat Staver said, “The Department of Defense continues to unlawfully deny religious exemptions to our service members. Here is another example of a captain who will suffer life-altering discipline if he is not granted relief. Tragically, the number of service members who have sought assistance from Liberty Counsel pales in comparison to the pool of those who need relief from the unconstitutional shot mandates. Every service member deserves protection from this unlawful abuse.” {eo}

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