

Maine Health Care Workers' Battle for Constitutional Rights Rages On

Liberty Counsel has filed a petition asking the U.S. Supreme Court to review the full merits of the case on behalf of more than 2,000 Maine health care workers against Gov. Janet Mills, health officials of the Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention, and five of Maine's largest hospital systems (MaineHealth, Genesis Healthcare of Maine LLC, Genesis Healthcare LLC, Northern Light Health Foundation and MaineGeneral Health).

The state is ignoring federal law by removing religious exemptions and accommodations from unlawful COVID shot mandates for health care workers, many of whom have already been terminated from employment. In addition, these health care heroes cannot simply walk across the street to a different health care provider to obtain alternative employment. Gov. Mills has created a situation where no religious objectors to the COVID shot can obtain employment in the state.

The Supreme Court needs to resolve the splits in the circuits and the lower courts. Only Maine, New York and Rhode Island have state executive orders banning employers from even considering the sincere religious beliefs of employees. Gov. Mills threatened to revoke the business license of any employer that granted an employee a religious exemption. Gov. Mills has ordered employers to disobey the federal law known as Title VII. However, states do not have the authority to order employers to disobey Title VII federal employment law that prohibits religious discrimination.

All health care workers are protected by Title VII of the

Civil Rights Act, which does provide for religious exemptions and accommodations and requires that employers provide them. Furthermore, COVID shots cannot be mandatory under Title VII. Religious exemption requests for shot mandates must be accommodated when a reasonable accommodation exists without undue hardship to the employer. Many people hold sincere religious beliefs against taking any vaccines, or taking those derived from aborted fetal cell lines, or taking those sold by companies that profit from the sale of vaccines and other products derived from abortion.

Further, all health care workers in Maine who are employed by the state also have protection for the exercise of their sincerely held religious beliefs under the First Amendment. These employees do not shed their constitutional rights upon entering government employment. Maine law provides a long-established common law right to all individuals to refuse unwanted medical care.

Liberty Counsel filed an emergency IPA on Oct. 18 asking the high court for immediate relief for these health care workers until it decides to review this case. However, on Oct. 29 the high court denied immediate relief from Gov. Mills' unconstitutional edict that mandated all health care workers be fully "vaccinated" by Oct. 29 or be terminated.

In the Supreme Court's Oct. 29 decision, Justice Gorsuch dissented from the denial along with Justice Thomas and Justice Alito. Gorsuch wrote, "This case presents an important constitutional question, a serious error, and an irreparable injury. Where many other States have adopted religious exemptions, Maine has charted a different course. There, healthcare workers who have served on the front line of a pandemic for the last 18 months are now being fired and their practices shuttered. All for adhering to their constitutionally protected religious beliefs. Their plight is worthy of our attention."

And “attention” to this constitutional violation of Maine health care workers is precisely what Liberty Counsel is asking from the high court.

Liberty Counsel founder and Chairman Mat Staver said, “The Supreme Court must halt these unconstitutional mandates and stop Gov. Janet Mills from attempting to override federal law and force health care workers to violate their sincerely held religious beliefs. There can be no dispute that Maine is required to abide by federal law and provide protections to employees who have sincerely held religious objections to the COVID-19 shots. It is time for the high court to stop this unlawful mandate against all these health care workers who have become constitutional orphans in their own state.” {eo}

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