

Standing Up Against Latest Biden Attack on Military Heroes and More

Liberty Counsel has filed an amended complaint in its lawsuit against the COVID shot mandates by adding additional military plaintiffs, federal employees and civilian contractors, as well as including the secretaries for each military branch, U.S. Office of Personnel Management and U.S. General Services Administration as defendants. The OPM serves as the chief human resources agency and personnel policy manager for the federal government, and the GSA is an independent U.S. government agency that helps manage and support the basic functioning of federal agencies.

On Oct. 15, 2021, Liberty Counsel sued Joseph R. Biden, U.S. Secretary of Defense Lloyd Austin and U.S. Secretary of the Department of Homeland Security Alejandro Mayorkas on behalf of members from five branches of the military, federal employees and civilian contractors who have been unlawfully discriminated against regarding religious exemptions and accommodations from the COVID shot mandate. The plaintiffs' religious exemptions have been denied, and they face dishonorable discharge, court martial or termination.

After the Nov. 15 hearing, federal Judge Steven Merryday ordered each branch of the military to file a detailed report every 14 days beginning Jan. 7, 2022, regarding the total number of religious exemption requests; the aggregate number of denials, denials where belief found sincere, appeals pending, denials where appeal time has passed and number of successful appeals; the total number of medical exemptions; other exemptions granted and the number of disciplinary proceedings and actions taken after denial in an appeal. The order also stated that the federal executive orders regarding

federal employees and civilian contractors expressly require religious exemption.

Judge Merryday wrote that the military plaintiffs' claim that the accommodation process is a ruse is "quite plausible" under the federal Religious Freedom Restoration Act because the reports filed by the military branches revealed at that time not one of the 16,643 requests for religious accommodation has been granted. Since then, many more have been denied at the first stage and at the appeal stage.

Though the military has granted some medical exemptions, the filings received by the court on Jan. 7 show that the Department of Defense continues to deny religious exemptions. The Marine Corps claims it has granted two appeals from religious exemption denials, but that number is questionable. In fact, one of the Marines whose request for a religious exemption was granted has been reported to have been on terminal leave and was thus already in the process of separating from service.

Liberty Counsel's clients include dedicated members of the military who have voluntarily and sacrificially answered their nation's call for defense and to uphold the U.S. Constitution. However, these plaintiffs have now been threatened with discharge:

- A Navy chaplain with approximately 18 years honorable service and has personally observed the effect the mandatory COVID vaccination orders have had on mental health and readiness of multiple sailors. Based on his own sincerely held Christian religious beliefs, this chaplain believes accepting any of the approved COVID shots would be an act of irreverence toward God and a sin contrary to historic Judeo-Christian tradition and his faith. If his request is not approved, he would be forced to choose between his career of service to fellow sailors, which he loves, and his faith in God and God's commands.

– A Marine Corps lieutenant colonel who is currently an officer and a pilot with more than 18 years exemplary military service. This lieutenant colonel has served America on five combat tours and deployments, including one in Iraq and two in Afghanistan. He is a Top Gun graduate, F/A-18 pilot and instructor. His job involves responsibility for dropping bombs, firing rockets and aerial gunnery on enemy targets near Marine infantry. An error in judgment or calculation can result in the deaths of Americans and allies are near the enemy. This lieutenant colonel's skill has saved countless of American lives. However, his request for a religious exemption and accommodation has not been approved, and he faces potential court martial, dishonorable discharge and other life-altering disciplinary measures for his sincerely held religious beliefs.

– A Marine Corps lieutenant colonel who served in the reserves and volunteered for active duty following the attacks on 9/11. In 2003, this lieutenant colonel wanted to be a role model for other women and completed Officer Candidate School, where she received her commission as a second lieutenant and has served in several leadership roles including Iraq and Afghanistan. She also earned her master's degree through the Advanced Studies Program at Command and Staff College. This lieutenant colonel has a strong opposition to abortion after experiencing forgiveness from her own abortion after being raped years before serving in the military. After her abortion, she felt like a murderer and punished herself because she felt unworthy. The COVID shot mandate, given the use of aborted fetal cell lines in testing and development, violates her Christian faith and puts her in the position of reliving her rape and abortion.

– An Army Ranger who was told by a superior that the religious exemption request will "put a target on him" as he is one of two men in the company who have requested an exemption from getting the COVID shot. This Army Ranger entered active duty

in 2015 as an infantryman and has deployed twice in support of Operation Freedom Sentinel. He is committed to serving America if he is not forced to violate his own religious beliefs and what he believes God requires of him.

Liberty Counsel is also representing clients on behalf of the 3.7 million employees under federal government contracts and two million federal employees who are under the Biden administration's COVID shot mandate. Employees of organizations such as the Food and Drug Administration, Department of Justice, NASA and the Department of Energy's National Nuclear Security Administration are being forced to forfeit their careers and pensions unless they violate their sincerely held religious beliefs and receive the injection.

Judge Merryday ruled there was no qualified federal employee (without any reference to the submitted amended complaint) or civilian contractor employee because Executive Orders 14042 and 14043 "expressly require religious exemption, and federal guidance commits to the employing federal contractor and to the employing federal agency, respectively, the discretion to resolve an employee's request for a religious exemption."

Liberty Counsel founder and Chairman Mat Staver said, "The Biden administration and the Department of Defense have no legal right to deny the religious exemptions and accommodations from the COVID shots for the military, federal employees and civilian contractors. Every COVID shot available remains under Emergency Use Authorization, and the DOD cannot force any person to violate their religious beliefs and receive an injection associated with aborted fetal cells. Our brave members of the military and those who serve this country as federal employees and civilian contractors have the freedom to choose what they put in their bodies. This discrimination and the disciplinary threats must end." {eo}

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