

Unvaccinated Maine Health Care Workers Subject to Firing With Supreme Court Inaction

Today, the U.S. Supreme Court declined to review 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 against the governor's unconstitutional shot mandate.

The high court did not give a statement or reasons for denying certiorari. This is surprising since Liberty Counsel filed an emergency injunction pending appeal on Oct. 18. In the Supreme Court's Oct. 29 response to the denial, Justice Gorsuch dissented from the denial, along with Justices Thomas and 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."

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, thus ordering employers to disobey the First Amendment Free Exercise Clause and the federal law known as Title VII. However, states do not have

the authority to order employers to disobey Title VII of the Civil Rights Act, the federal employment law that prohibits religious discrimination.

All health care workers are protected by Title VII, which provides 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.

Moreover, one of our plaintiffs is a Christian employer who wants to grant his employees a religious accommodation. This Christian employer has a First Amendment right that directly collides with the order from Governor Mills. The Supreme Court should have stepped in to redress this injustice.

Liberty Counsel founder and Chairman Mat Staver said, "There can be no dispute that Maine is required to abide by the U.S. Constitution and federal law that provides protections to employers and employees who have sincerely held religious objections to the COVID-19 shots. The Supreme Court should have righted this blatant unconstitutional edict. The Supreme Court has allowed these health care workers to become constitutional orphans in their own state." {eo}

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