

Defending the Republic and Chaplains' Counsel, PLLC

July 6, 2022

For Immediate Release:

31 Chaplains From All Branches File Class Action Complaint and Seek Injunction against the DOD, the Armed Services, FDA, And CDC For Systematic Denial Of Religious Freedom and Due Process of Law

TAMPA FL – On May 18, 2022, attorneys Arthur Schulcz of Chaplains Counsel, PLLC, Brandon Johnson of Defending the Republic, and Andrew Meyer of the Finn Law Group filed a lawsuit in the Middle District of Florida, Tampa Division, initiating a class action on behalf of 31 Military Chaplains from the Army, Navy, Air Force, Marine Corps, and Coast Guard challenging Secretary of Defense Austin's COVID-19 vaccine Mandate and the Secretary's directive not to grant any religious accommodations. On June 28, 2022, the Military Chaplains filed a motion for a preliminary injunction to prohibit the Military Defendants illegal conduct and to immediately enjoin discharging or disciplining Military Chaplains for failure to comply with these unlawful orders.

The Military Chaplains allege the Department of Defense (DoD), through the military services, is engaged in religious discrimination by systematically attempting to purge the Armed Forces of people of faith who believe in following their conscience as formed by faith. The purge is evident in DoD's execution of a "policy of uniformly denying religious accommodations "in violation of the Free Exercise, Establishment and Due Process Clauses; its deliberate violation of specific statutory provisions protecting the rights of military personnel and chaplains to lawfully follow their conscience; its violating the Establishment Clause by DoD's hostility to those who follow their conscience and establishment of a forbidden "religious test" for public trust and office. They further allege the DOD's deliberate defiance of Congress' long standing instruction to educate the Armed Services on Religious Liberty is evidence of a bureaucratic insurgency against Congress and people who take their faith seriously and follow their conscience.

Read the complaint and motion for preliminary injunction [here](#).

The First Amendment to the constitution addresses the right of the American people to freely practice their chosen faith and, more importantly, it ensures the Government does not infringe on that right nor act with hostility toward people of faith. Chaplains are the vehicle through which those rights are protected for military personnel (see *Katcoff v. Marsh*). Military chaplains have a duty to ensure all service members, from all faith groups, are able to practice that faith anywhere in the world without fear of governmental interference. By denying these chaplains their religious liberties and Congress' specific protections for chaplains and their right to follow their conscience, and by coercing many others with misinformation about the vaccines' safety and threats, the constitutionally protected freedoms of all military personnel have been compromised.

According to lead counsel, Arthur Schulcz, “The Department of Defense is an agency waging an open bureaucratic insurgency against the Constitution and the rule of law. This hostility to lawful authority is something that should concern every citizen. Every citizen should be asking, “why does DoD want a military with no conscience?” The 1989 massacre of unknown thousands of Chinese in Tiananmen Square should give us pause.

The importance of this case cannot be overstated. The Founding Fathers included Freedom of Religion in the First Amendment for a reason. Without the moral and ethical underpinnings that are part and parcel to religious practice America cannot expect that its other guaranteed freedoms whether life, liberty, or the simple pursuit of happiness will be executed morally or ethically. Also at risk here is the American tradition and law of military submission to civil authorities.

Plaintiff Jonathan Shour said, “It does not take any military experience to see that [the mandate] needs to stop for the thousands of service members who have submitted an exemption request, for the tens of thousands – if not hundreds of thousands – more who would have if not for the coercive and abusive policies, and for the innocent families who have become collateral damage in the ‘generals’ war against their own military service members.”

“The Chaplains allege DoD has acted in bad faith; subverted the military; established both a religion and a forbidden religious test for public office; violated every First Amendment guarantee; shown contempt for Congress and acted in overt bad faith,” Schulcz said.

In their complaint and motion, attorneys allege that the actions of the DOD, acting through the military services, are punitive and unconstitutional, and that it is acting contrary to the First Amendment, the Religious Freedom Restoration Act, Federal Law, and the Services own policies and regulations.

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Point of Contact:

About Chaplains Counsel, PLLC

Chaplains Counsel, PLLC was formed in 2013 by Attorney Arthur Schulcz in order to focus on the religious liberties of military chaplains and chaplain endorsers. Since 2004, Art has been the Executive Director and General Counsel for the International Conference of Evangelical Chaplain Endorsers (ICECE).