

PRESS RELEASE

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Defending the Republic asks the Supreme Court to review case on military chaplains' religious freedoms

Defending the Republic (DTR), with Finn Law Group and Chaplains Counsel, has filed a petition for writ of certiorari to the Supreme Court in *Alvarado v. Austin*, seeking relief for military Chaplains who were wrongly denied COVID-19 vaccine exemptions on religious grounds and faced retaliation. At issue are whether the claims of these Chaplains are justiciable because the violations of law continue to this day, and whether the challenge to coerced speech survives.

This case is vital for the First Amendment and religious liberty rights codified under the Religious Freedom Restoration Act (RFRA). The Department of Defense (DoD), led by Defense Secretary Lloyd Austin, undertook an unlawful plan to accommodate medical and administrative objections to its COVID-19 vaccine mandate while refusing to grant religious exemptions for the mandate. In effect, the DoD was giving preferential treatment to one category of exemptions while punishing Chaplains who were practicing their sincerely-held religious beliefs. As we explained to the Supreme Court:

“DoD’s zealous combination of COVID-19 maximalism and pro-abortion politics have made DoD unrecognizably hostile to religious freedom, requiring this Court’s intervention to protect the independence of the Chaplains Corps’ members and to guard against similar violations in the future.”

The religious liberty rights of these Chaplains were not just violated by the blanket denials of their religious exemptions. The Chaplains were also punished for their religious beliefs; the “DoD denied the Chaplains travel, schooling, competitive performance reports, and promotions” for filing their religious accommodation requests, causing them to drop “in their relative Chaplains Corps standing.”

For example, after Chaplain David Calger filed his religious accommodation request to the mandate, the Army flagged his record and limited his travel, preventing him from completing the Chaplain Captain Career Course. As a result of this religious discrimination, Chaplain Calger twice failed promotion to major and was separated from the Army. Like many others, Chaplain Calger was unlawfully forced to choose between his religious beliefs or his continued employment, in violation of the First Amendment and RFRA.

DTR, in furtherance of its mission, will continue to fight for the military service members who faced retaliation, punishment, and expulsion for standing firm in their faith.

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