

PRESS RELEASE

FOR IMMEDIATE RELEASE

03-22-2024



DTR Takes the Fight for Military Rights to the Supreme Court

Defending the Republic, with Chaplains Counsel and Finn Law Group, has filed an [Application for Writ of Injunction for Interim Relief with the United States Supreme Court in Alvarado v. Austin](#).

This filing continues DTR's legacy in [fighting mandatory COVID-19 vaccination in the military](#), and [DTR's recent class action lawsuits against the Department of Defense \(DOD\)](#) seeking backpay on behalf of thousands of military servicemembers who were wrongfully denied pay and benefits for refusing the COVID-19 vaccine.

The Application to the Supreme Court was filed on behalf of 38 military chaplains and is addressed to Chief Justice John Roberts. It seeks injunctive relief against the DOD for its continued retaliation against these chaplains for their religious accommodation requests to the DOD's COVID-19 vaccine mandate.

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After the DOD issued its COVID-19 vaccine mandate in 2021, these chaplains – like tens of thousands of other military servicemembers – sought religious exemptions in accordance with their Constitutional and statutory rights. In response, the DOD instituted a "No Accommodation Policy" to ensure that nearly every religious accommodation request would be denied. This unlawful policy has been described by courts as "theater" that "merely rubber stamps each denial."

But the DOD didn't stop there. The DOD has also violated the chaplains' religious liberties by retaliating against these chaplains for submitting their religious exemption request, expressing religious objections to vaccination, or for supporting other servicemembers with similar beliefs. Many chaplains faced hostile work environments. The Army's then-Chief of Chaplains, for example, declared that any chaplain requesting a religious exemption "should leave the Army."

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The chaplains were also punished for their religious accommodation requests. During the time of the COVID-19 vaccine mandate, they were non-deployable, removed for leadership positions, reprimanded, and prohibited from travel and new assignments. These injuries are still reflected in the chaplains' internal files, which damages their chances for promotion and threatens some with imminent separation from the Armed Services.

These actions by the DOD clearly violate the Establishment Clause and the Free Exercise Clause of the First Amendment, which prohibits the making of "law respecting an establishment of religion, or prohibiting the free exercise thereof." DOD's policy of outright denial of religious exemptions to the COVID-19 vaccine was openly hostile to religious beliefs, contrary to the Establishment Clause. The DOD's directive to coerce compliance through threats, and its attempts to compel speech promoting vaccination and dismissing religious objections, violated the Free Exercise Clause, which guarantees all Americans – including military servicemembers – the right to freely practice their faith.

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Through these efforts, the DOD has also violated the chaplains' due process rights guaranteed under the Fifth Amendment – that no person shall “be deprived of life, liberty, or property, without due process of law.” Likewise, it has violated the chaplains' statutory rights under Religious Freedom Restoration Act (RFRA), which prohibits the government from substantially burdening a person's exercise of religion or punishing religiously-motivated conduct.

Injunctive relief has been sought from the Supreme Court so that these chaplains will not continue to experience harm from the DOD for choosing their sincerely-held religious beliefs over forced COVID-19 vaccination. As we explained to the Supreme Court:

DOD's unlawful implementation of the Mandate has chilled—and will continue to chill—the First Amendment religious rights and the right of petition, which itself qualifies as irreparable injury: “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”

Through your support, Defending the Republic is able to expose government corruption, fight for transparency, and restore the rights of our brave troops.

Please join our fight on behalf of the military servicemembers whose faith puts them at risk of retaliation by the Biden Administration.

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