



Written by [Bob Adelman](#) on November 26, 2021

## Court Puts Each Military Branch Under Microscope in Navy SEAL Lawsuit

Liberty Counsel, in a lawsuit brought on behalf of 23 plaintiffs who complain that the Biden administration's vaccine mandate is violating their First Amendment rights, requested a temporary restraining order so that "each individual has the option to accept or refuse administration of the COVID-19 vaccines."

The U.S. District Court for the Middle District of Florida denied Liberty Counsel's request, but demanded that all branches of the military provide proof that their blanket denial of more than 16,000 requests for religious exemption from the vaccine was not a "ruse."



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It certainly looked like a "ruse" to U.S. District Judge Steven Merryday. Not only were every one of the 16,643 requests for religious exemption from the vaccine denied, but punishment was being meted out upon those making the requests. They faced, according to the filing, "pressure and abuse ... and disciplinary actions have already commenced for some [including threats of] dishonorable discharge for even requesting a religious exemption from COVID-19 shots."

Wrote Judge Merryday:

The plaintiffs claim the regulations ... in reality disguise an unlawful and pervasive policy of the Secretary of Defense and each branch of the armed forces to deny individual consideration of each claim for a religious exemption, to instead "deny them all," and to punish, possibly by discharge, without exemption or accommodation, those who assert a sincere religious objection and accordingly refuse the vaccine.

The judge claims he doesn't have enough data to issue the temporary restraining order as demanded by the plaintiffs:

The data ... are distinctly suggestive ... but ... are incomplete and offer no firm basis to project reliably ... the actual purpose of the regulations ... or the number of service members who ... are denied an exemption ... and are [thus] subject to discipline.

But it sure looks like a "ruse" — a blanket attempt to rid all branches of the military service of non-compliant members claiming a religious exemption:

The claim that the regulations are a ruse becomes ... more convincing ... that the regulations are, shall we say, insincere and ... the less convincing is the argument that the



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military has a compelling reason not to grant the exemptions and accommodations.

So, in denying the demand for an immediate cessation of denials and punishment as the plaintiffs wanted, the judge went one step further. He ordered each branch of the military service to start reporting to him every two weeks (starting January 7, 2022) the status of every religious exemption request made, and their outcome. He included not only religious exemption requests but medical exemption requests as well.

He ordered the military to report any punishments enacted because of its denials, along with any other “actions taken after denial in an appeal.”

This puts Secretary of Defense Lloyd Austin in a pickle. A liberal who wanted Biden to rejoin the Iran Nuclear deal; who has vowed to rid the military of the many “racists and extremists” that allegedly have infiltrated its ranks, referring to them as “enemies [who] lie within our own ranks” and who relies on the Southern Poverty Law Center to determine just who those “extremists” are; he now has to put up or shut up. He must allow requests for religious and medical exemptions to be granted, or, as Judge Merryday wrote, he “will schedule a resumption of the hearing.”

Each branch of the U.S. military will no doubt be scrambling to review those 16,000+ exemption requests to determine which of them will now be accepted in order to ward off the coming sanctions from the District Court if they don’t.

Related article:

[The Story of “Navy SEAL 1,” One of 23 Plaintiffs in Complaint Against Biden Over Vax Mandate](#)



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