



Written by [Bob Adelman](#) on February 17, 2022

District Judge Stops Air Force's Persecution of Officer Seeking Religious Exemption From COVID Mandate

In a decision fraught with national implications, a Trump-appointed judge in Georgia [ruled on Tuesday](#) that the Air Force cannot continue to pressure a reserve officer into taking the COVID vaccine.

Although technically the ruling affects only the future of a 25-year reservist, the judge's reasoning lays substantial groundwork for future cases against the religious discrimination currently being applied by all the military services of the United States.

The religious discrimination was blatant, as Tilman Self, a judge on the U.S. District Court for the Middle District of Georgia, noted on the first page of his ruling. The plaintiff's superior officer, in rejecting her final request for a religious exemption to taking the vaccine, wrote: "Your religious beliefs are sincere, [they're] just not compatible with military service."

Although that statement was a single individual's opinion, it reflected the Air Force's general view of religion. As Judge Self noted: "When considering the Air Force's abysmal record regarding religious accommodations requests, it turns out that he was dead on target."

In his 32-page ruling, Judge Self took considerable pains to expose the hypocrisy and disdain for those holding strong religious beliefs.

First, any claim by the Air Force that it has in place a procedure to process religious exemption requests is a sham, a fraud, a ruse, nothing but "theater":

Although the Air Force claims to provide a religious accommodation process, it proved to be nothing more than a quixotic quest for Plaintiff because it was [quoting from another judge's ruling on the same issue] "by all accounts,... theater." ...

Despite thousands of requests for religious exemption, the Air Force hadn't granted a single one of them when Plaintiff filed her Complaint.

The issue is about the Constitution's Bill of Rights: "Even in a pandemic [wrote Self, quoting still another judge's ruling on the same issue], the Constitution cannot be put away and forgotten."

Judge Self exposed the Air Force's blatant disdain for those holding sincere religious objections to taking the vaccine:



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As of January 31, 2022, the Air Force hadn't approved a single religious accommodation request, but it had disapproved 2,787 of them and had another 2,443 requests pending.

Not only was the Air Force not granting any religious exemptions, it was punishing those requesting them:

The Air Force ... informed Plaintiff that "any refusal to receive [a] COVID-19 vaccine ... may be punishable under the Uniform Code of Military Justice..." and that "continued refusal will result in involuntary reassignment" ... without pay, benefits, or regular responsibilities.

The plaintiff was being "forced to choose between her sincerely held religious beliefs, and her livelihood." She complained that "the Constitution prohibits Defendants [the Secretary of Defense, the Secretary of the Air Force, and the Surgeon General of the Air Force] from forcing her" to make such a choice.

The judge exposed the Air Force's deliberate intention to deny religious exemptions to everyone requesting them:

Like every other religious-based request and appeal filtering its way through the Air Force's accommodation process, it was ... rubber-stamped with disapproval and denial.

He reminded the defendants that "constitutional protections remain commandments, not suggestions," and that he agreed with the plaintiff that they "have violated the Constitution because they essentially forced her to choose between her sincerely held religious beliefs and her livelihood."

The plaintiff's attorneys had no defense:

Defendants don't say much in response to Plaintiff's arguments that their COVID-19 vaccination requirement substantially burdens the free exercise of her religion. And how could they? Very few scenarios paint a bleaker picture than giving up your livelihood in order to follow your religious beliefs....

Defendants simply don't explain why they have a compelling interest in *Plaintiff* being vaccinated while so many other Air Force service members are not [vaccinated].

Judge Self then touched the third rail of the whole business of vaccinating against the COVID-19 virus:

Plaintiff's natural immunity coupled with other preventive measures begs the question: Does a COVID-19 vaccine really provide more sufficient protection?

This is especially curious given the number of people who have been and continue to be infected after becoming fully vaccinated and receiving a booster — including the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Commandant of the Marine Corps.

Additionally, he exposed the Air Force's hypocrisy and its anti-religion stance:

Defendants' COVID-19 vaccination requirement allows service members to refuse



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vaccination for secular reasons while disallowing refusal based on religious reasons.... No matter whether one service member is unvaccinated for a medical reason and another unvaccinated for a religious reason, one thing remains the same for both of these service members — they're both unvaccinated. In other words, both of these service members pose a "similar hazard" to Defendants' compelling interest in "stemming the spread of COVID-19" within the military.

He then called out the defendants' personal hypocrisy in allegedly supporting and defending the Constitution while violating it:

Given "the Nation's essential commitment to religious freedom [,]" Plaintiff's harm — a constitutional injury involving her right to freely exercise her religion — is not a mere trivial grievance.... And, what real interest can our military leaders have in furthering a requirement that violates the very document they swore to support and defend?

Stephen Crampton, senior counsel with the Thomas More Society, which assisted the reservist with her complaint, said:

This is a great victory for religious freedom.

The Air Force had granted over 1,500 medical exemptions by the time we filed this lawsuit, but not a single religious exemption — not one. After we filed, it suddenly decided to start granting or claiming to grant religious exemptions, albeit only a handful.

It is disgraceful how the military in general has disrespected fundamental First Amendment rights.

He then added a hopeful footnote:

We are grateful that the court has restored the Free Exercise rights of this courageous officer and are hopeful that her victory will help to protect the rights of conscientious objectors everywhere.



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