

WHERE THE SPIRIT OF THE LORD IS, THERE IS LIBERTY. —2 CORINTHIANS 3:17



GIVE TODAY

Christian Flag-Raising at Boston City Hall Signals Historic Victory over Religious Viewpoint Discrimination



August 3, 2022, was a hot, sunny day in downtown Boston. By 11 a.m., an enthusiastic crowd had gathered to watch history in the making: The Christian flag would fly over Boston on the city’s flagpole. To passers-by, the gathering would seem like just any other group event at Boston City Hall, but to those who filled City Hall Plaza, the flag raising meant much more. It represented a victory for free speech and constitutional rights. Seeing the flag wave high over the plaza below would cement pro-First Amendment history and anchor the future of the United States against threats of religious viewpoint discrimination.

The flag raising came three months and a day after Bostonian Hal Shurtleff won unanimously at the Supreme Court in a 9-0 decision released May 2, 2022. Hal’s Christian civic organization, Camp Constitution, had first asked the city in 2017 for a permit to raise the Christian flag to commemorate Constitution Day. Given Boston’s track record of 284 flag-raising approvals and zero denials over 12 years, Camp Constitution should have been a slam dunk for approval #285.

But that would not be so. Boston denied Camp Constitution’s request citing “separation of church and state,” and the rest, as they say, is history. “When I got the rejection email from the city, and it said ‘separation of church and state,’ I knew we had a case,” recalls Shurtleff. It was obvious to Shurtleff and to Liberty Counsel, [continued>>](#)

The Few. The Proud. The Protected. The Marines.

Court Grants Class Protection to U.S. Marines from Shot Mandate

If the Marines were looking for a few good men, they should have known they already had them in our plaintiffs. Since Joe Biden’s mandatory COVID shot mandate was announced by the DOD on August 25, 2021, faithful service members of the Marine Corps — both men and women — have been subject to discrimination, isolation, punishment and separation.

Their crime? Filing religious accommodation requests to opt out of COVID “vaccines,” which have been associated with aborted fetal cell lines in the research and development phase. Out of 3,733 Marines requesting a religious accommodation under the Religious Freedom Restoration Act, the Corps has granted only 11 accommodations, less than three-tenths of a percent of the 3,733 applications. [continued>>](#)



WINNING: Historic \$10.3 MILLION Class Action Mandate Settlement Puts Employers on Notice

When NorthShore University HealthSystem instituted a Zero Exemptions Policy in the fall of 2021, the hospital system was intent on advertising that all on-site employees were “100% vaccinated against COVID-19.” No exceptions, no exemptions. Perhaps the decision was also made to stand out among other hospital systems in the Chicago area or because leadership genuinely believed the policy was the right decision.

Whatever the case may be, NorthShore’s decision to “stay the course” on a zero religious exemptions policy would prove costly. Over \$10 million costly less than a year later.

It’s a shame NorthShore didn’t comply with the demand letter Liberty Counsel sent them in October 2021 or listen to Judge John F. Kness, who on November 30, 2021, said the plaintiffs would likely prevail on Title VII and the Illinois Health Care Right of Conscience Act. But they chose not to comply.

On July 29, 2022, after eight months of intensive litigation, Liberty Counsel reached a [continued>>](#)

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On August 18, 2022, Judge Steven Merryday of the U.S. District Court Middle District of Florida ordered the U.S. Marines to put the brakes on the bleed when he certified the class and issued a classwide preliminary injunction for all U.S. Marines who filed religious accommodation requests. Until trial, which is set for January 23, 2023, in Tampa, the Marines are now a “protected class” from an unlawful directive given by those they swore to serve.

Failure to Resolve the Burden of RFRA

The Religious Freedom Restoration Act of 1993 prohibits “any agency, department, or official of the United States or any State (the government) from substantially burdening a person’s exercise of religion.” RFRA reinstated the Sherbert Test that says if government were to place a burden on a person’s exercise of religion, it must demonstrate “that application of the burden to the person: (1) furthers a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.”

Judge Steven Merryday’s order suggests the Marines have miserably failed on both points, calling their handling of “religious accommodation labors” a “systemic failure.”

“The Marine Corps’ blanket rejection of RFRA’s burden confuses the sincerity inquiry with the substantial burden inquiry, which further reveals the systemic failure under which the Marine Corps’ resolution of religious accommodations labors,” the judge wrote. “And the burden is substantial not because the vaccine and the aborted tissue satisfy some arbitrary degree of connectedness but because the order to accept injection of the vaccine forces the religiously objecting Marine to choose between betraying a sincere religious conviction and suffering court martial or separation from the military and, likely, visiting adverse consequences on the Marine’s family.”



The Military Is Not Above the Law (although they may think they are)

Just a day after Judge Merryday’s ruling, a Marine Corps chain of command had already defied the order in contempt of court by harassing and punishing a service member who was declining the shot.

The First Sergeant listed in the report said, “The class action doesn’t matter. Will you

>>continued from *Christian Flag Raising...*



elements were the same: the same Camp Constitution, the same flag and the same flagpole. But five years later, one thing was profoundly different: a Supreme Court win. With it came newfound significance and a place in history that marked this flag raising. *Shurtleff v. City of Boston* set national precedent, a precedent where a reluctant City of Boston had to let freedom fly. **LC**

>>continued from *NorthShore...*

historic, first-of-its-kind settlement of the class action lawsuit against NorthShore University HealthSystem on behalf of more than 500 current and former health care workers who were discriminated against and denied religious exemptions from the COVID shot mandate.

As a result of the settlement, NorthShore will pay \$10,337,500 to compensate its health care employees who were victims of religious discrimination, including many who lost their jobs for adhering to their religious beliefs against taking an injection associated with aborted fetal cells.

What’s more, NorthShore will also change its unlawful “no religious accommodations” policy to make it consistent with the law, and to provide religious accommodations in every position across its numerous facilities. No position in any NorthShore facility will be considered off limits to unvaccinated

vaccinate by Monday or not?”

The Corporal who rejected the shot (and is covered in the protected class) repeated that his sincerely held religious beliefs prevented him from taking the COVID shots since they are all associated with aborted fetal cells. The First Sergeant then pulled out an already completed 6105 punishment form and insisted the Corporal sign it. The Corporal refused to sign the punishment form as it was in direct violation of Judge Merryday’s order.

who represented him, that the sole reason the City of Boston rejected Camp Constitution’s application was because it had the word “Christian” written on the application to describe the flag. Hal sued the City of Boston, and the litigation went on for five years with four losses in lower courts before the unanimous win at the Supreme Court earlier this year.

During the ceremony, Shurtleff gave glory to God. “Back in 2017, we wanted to have a simple ceremony to commemorate the Constitution Day and Boston’s rich Christian history,” he said. “The speakers we had planned for that event are here today. I want to thank you, a special thanks to Liberty Counsel, and I want to give the glory to God...We have a great Constitution, and we have a wonderful First Amendment. But just like when it comes to muscles, if you don’t use it, you get weak.”

Seeing the Christian flag wave high above Boston was a beautiful, full-circle moment. From 2017 to 2022, many

employees with approved religious exemptions.

Employees who were terminated because of their refusal of the COVID shots on religious grounds will be eligible for rehire if they apply within 90 days of the court’s final settlement approval, and they will retain their previous seniority level.

The NorthShore settlement is a great victory for protecting religious rights in the workplace and serves as a wake-up call for health care and other employers.

Mat Staver, Founder and Chairman of Liberty Counsel, agrees, “This settlement should be a wake-up call to every employer that did not accommodate or exempt employees who opposed the COVID shots for religious reasons. Let this case be a warning to employers that violated Title VII.” **LC**

Judge Merryday’s order leaves no room for debate: “When Congress acts to preserve liberty, especially a liberty historically and constitutionally fundamental to the United States, the courts — the intended preserve of liberty — must not evade or equivocate, must not, so to speak, sacrifice the fundamental right of thousands of privates to Free Exercise in order to gratify the preference of a few generals.”

January 23, 2023 can’t come soon enough. **LC**