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COVID

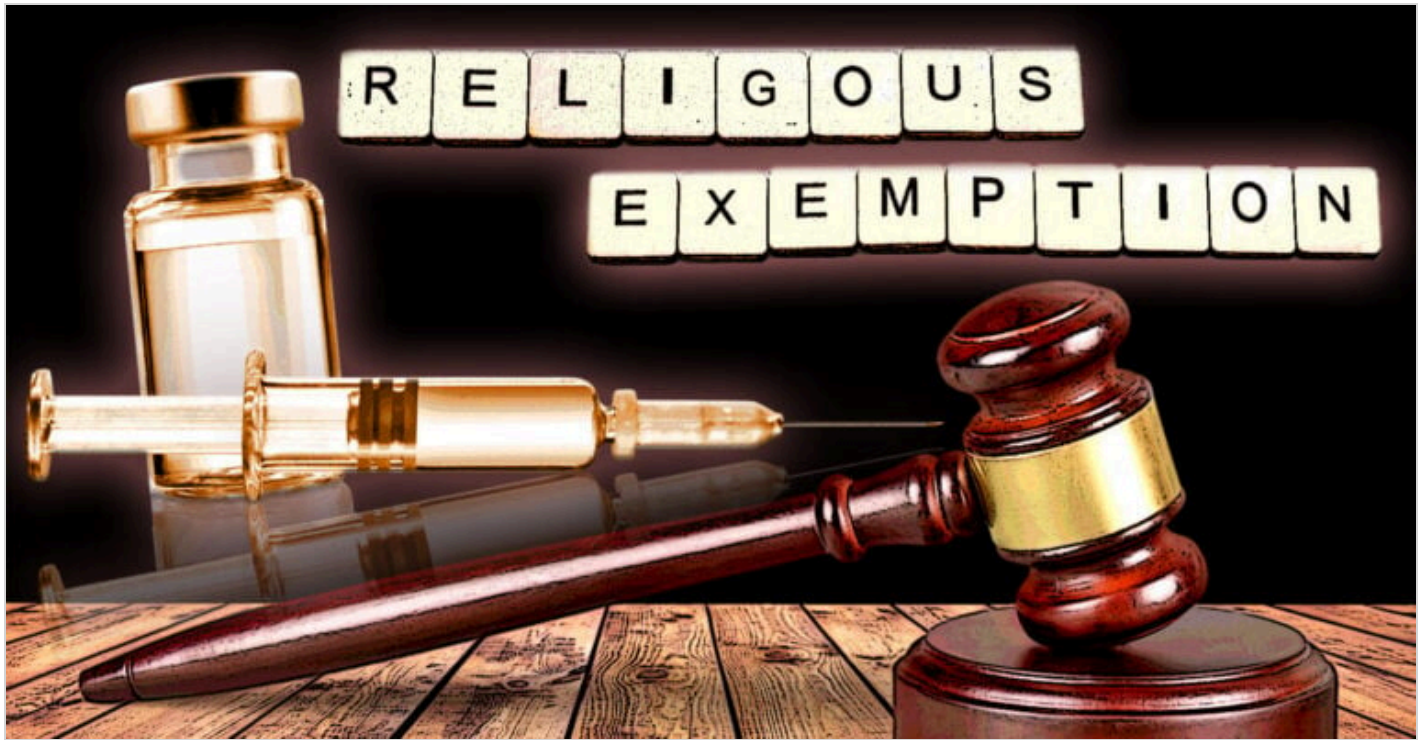
## Woman Fired for Refusing COVID Vaccine Wins Big in Tennessee, but Supreme Court Deals Blow to Health Freedom Advocates in Connecticut

*A Tennessee federal court awarded \$687,240 to a woman who lost her job after her employer refused to recognize her religious exemption for COVID-19 vaccination, while the U.S. Supreme Court rejected a challenge to Connecticut's elimination of religious exemptions for schoolchildren in the state.*

by **Michael Nevradakis, Ph.D.**

JULY 8, 2024

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2834 PAGEVIEWS

6

In a mixed set of decisions handed down late last month, a **federal court in Tennessee** last sided with a woman who lost her job after her employer refused to recognize her religious exemption for COVID-19 vaccination, while the U.S. Supreme Court rejected a lawsuit challenging **Connecticut's elimination of religious exemptions** for schoolchildren in the state.

The two decisions highlight the broader debate between medical and health freedom advocates and those who seek to eliminate existing avenues for opting out of vaccine mandates.

This tension was evident in March when **West Virginia Gov. Jim Justice vetoed** a bill that would have allowed private schools to recognize religious exemptions.

Remarking on the latest developments, Mary Holland, CEO of **Children's Health Defense (CHD)**, told **The Defender**:

"CHD stands for informed consent, which means individuals have a choice about all medical interventions. We oppose all medical mandates, including vaccine mandates. These decisions should be between individuals and their healthcare practitioners."

Retired Lt. Col. Tommy Waller, president and CEO of the **Center for Security Policy**, who retired from the U.S. Marine Corps after it rejected his request for a religious exemption to the **COVID-19** vaccine, told The Defender:

“Recent court cases related to the COVID-19 vaccine mandates underscore the major divide between those who value freedom — religious freedom, medical freedom, educational freedom and economic freedom — and those who place their trust and confidence in a system of medical/techno/government oligarchy.”

According to Waller, the recent court cases are the result of a “multi-year campaign” to “silence inquiry and speech [and] subvert successful medical treatments,” necessitating “a court remedy.”

California-based attorney **Greg Glaser**, counsel of record in the lawsuit against Connecticut, told The Defender, “Religious exemptions are essential to protect the unvaccinated living in society,” including their ability to attain employment or attend school.

“Without religious and philosophical exemptions, there would be no genuine control group studies in the United States where we compare vaccinated populations to genuinely unvaccinated people,” Glaser said. “Call it a paradox if you like, but here religion is necessary for science.”

**Paul Jaffe**, a plaintiff in a case that successfully challenged the quarantine of **unvaccinated children in Rockland County, New York**, in 2019, said, “A lot of the problems around the issue of **vaccines** have been caused by the lack of scientific rigor in their testing,” resulting in “a society full of litigation” over this issue.

## The Vaccine Safety Project

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### Tennessee court awards \$687,240 to scientist who lost her job

In a June 28 ruling, a grand jury in the U.S. District Court for the Eastern District of Tennessee at Chattanooga awarded **Tanja Benton**, a former BlueCross BlueShield of Tennessee employee, **\$687,240 in back pay and damages**.

**Benton lost her job** as a biostatistical research scientist in November 2021 after refusing to abide by the company’s mandatory COVID-19 vaccination policy, citing her religious beliefs.

The award includes \$177,240 in back pay, \$500,000 in punitive damages and \$10,000 in compensatory damages.

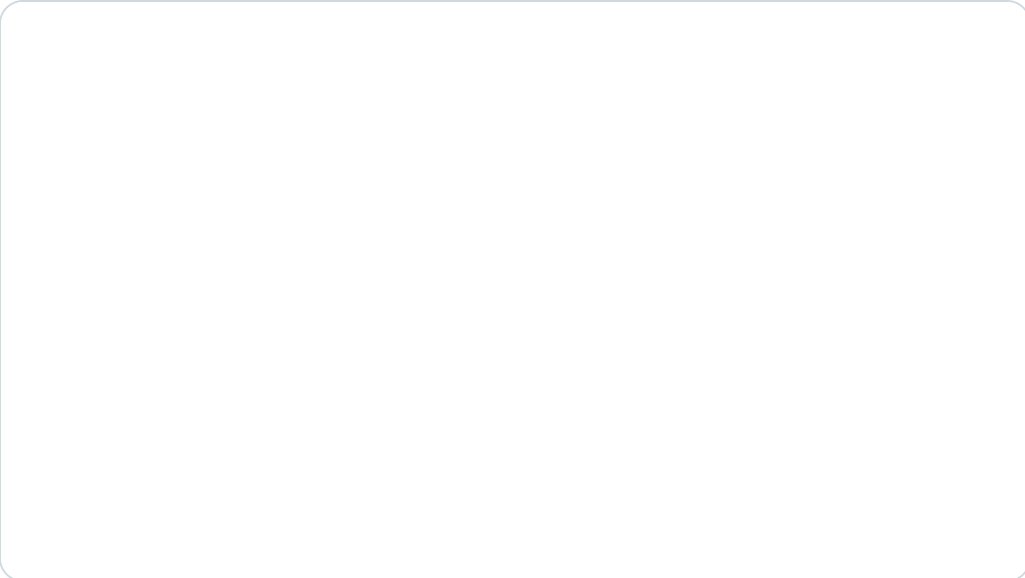
According to **the ruling**, the company “did not prove by a preponderance of the evidence either that it had offered a reasonable accommodation to Plaintiff or that it could not reasonably accommodate the Plaintiff’s religious beliefs without undue hardship.”


**Robby Starbuck**  

@robbystarbuck · [Follow](#)



Incredible. A Federal Jury has determined that Blue Cross BlueShield of Tennessee must pay \$700,000 to an employee that was fired for refusing the COVID vaccine.

Tanja Benton was a bio statistical research scientist at BCBS for 17+ yrs before they fired her for refusing the vax.... [Show more](#)



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“I don’t know to what extent this employer was abusive and vindictive toward the employee, but its conduct must have been egregious,” Holland said. “We are starting to see other judicial awards in these kinds of cases. We can hope that these awards will make employers think twice about imposing mandates for medical products in the future.”

New York attorney Michael Sussman, who represented plaintiffs in the Rockland County case, welcomed the Chattanooga ruling. He told *The Defender*:

"I remain convinced that people of goodwill can fairly apply the law. **Title VII** [of the Civil Rights Act of 1964] requires accommodation for those with sincerely held religious beliefs and this cannot be passed off as some trivial or non-consequential exercise.

"Compliance requires sincerity by the employer, and it is obvious that the jury did not believe that happened here."

Benton said in her lawsuit that she did not regularly interact with the public, noting that she worked remotely for a year-and-a-half during the pandemic.

Citing her religious beliefs, Benton said in her lawsuit that she "firmly believes, based upon personal research, that all COVID-19 vaccines are derived from **aborted fetus cell lines**." As a result, she said could not "in good conscience consume the vaccine, which would not only defile her body but also anger and dishonor God."

According to the **Washington Examiner**, after Benton appealed BlueCross BlueShield of Tennessee's denial of her request for a religious exemption, she was told that the company did not offer exemptions to personnel in her position and she was encouraged to look for other jobs.

**Dalya Qualls White**, senior vice president and chief communications officer at BlueCross BlueShield of Tennessee, said in a statement that the company is "disappointed" by the court's ruling.

"We believe our vaccine requirement was the best decision for our employees and members, and we believe our accommodation to the requirement complied with the law," White said.

According to **The Chattanooga**, BlueCross BlueShield of Tennessee terminated 41 employees in October and November 2021 for non-compliance with the company's vaccine mandate. Several of these employees filed a class action lawsuit "on similar complaints" to Benton's.



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## Supreme Court upholds Connecticut's elimination of religious exemption

In contrast to the Chattanooga ruling, the **U.S. Supreme Court denied** a challenge to a **2021 Connecticut law** that **eliminated the religious exemption** from school, college and daycare center immunization requirements.

The court issued the ruling without comment on June 24.

Three Connecticut parents, along with advocacy groups **We The Patriots USA** and the Connecticut Freedom Alliance sued the State of Connecticut, challenging the law.

In January 2022, the U.S. District Court for the District of Connecticut granted the defendants' **motion to dismiss** the case. In August 2023, the 2nd U.S. Circuit Court of Appeals **upheld the dismissal**.

According to **The Associated Press**, Connecticut lawmakers eliminated the religious exemption option amid concerns over "a decline in vaccination rates in some schools." **Medical exemptions for vaccines** are still permitted while previously granted religious exemptions have been "grandfathered" in under the 2021 law, The Center Square reported.

Holland said she was "disappointed" the Supreme Court denied the case, noting that Connecticut "had specifically adopted the **Religious Freedom Restoration Act**."

"It is sad that Connecticut joins New York, California and Maine as the most restrictive states in the country in denying health and religious freedom for vaccination," Holland said, noting that CHD supported legal action in both Connecticut and New York state to restore the religious exemptions there.

In 2019, **New York repealed all religious exemptions** for vaccination.

Sussman told The Defender he "attended some of the Connecticut hearings" related to this case. He said:

"As in New York, the atmosphere was 'anti-religious' and the discussion suffused with insults toward those of faith who oppose vaccination.

"In my view, passing a law that curtails religious freedom and expression with such hostility plainly violates the principles enunciated in **Masterpiece Bakeshop** [a landmark 2018 U.S. Supreme Court ruling]. I am very distressed that this Supreme Court seems so inconsistent in its response to plain instances of oppression."

In a statement, Connecticut **Attorney General William Tong** said the denial “is the end of the road to a challenge to Connecticut’s lifesaving and fully lawful vaccine requirements.”

“We have said all along, and the courts have affirmed — the legislature acted responsibly and well within its authority to protect the health of Connecticut families and to stop the spread of preventable disease,” Tong said.

But Brian Festa, vice president and co-founder of We The Patriots USA, said in a statement that the denial, while “disappointing,” is “**not the end of the road for us** in our fight to win back religious exemptions for schoolchildren.”

“We are engaged in a prolonged war to regain health freedom and religious liberty for as many children as possible,” **Festa said**. “This was just one loss in a single battle and it does not define us. We still have much work to do.”

According to Festa, one part of the case remains active. It pertains to students with disabilities and whether they are “entitled to receive an education, even if they **opt out of vaccinations.**”

Separately, We The Patriots USA sued Connecticut on behalf of the state’s attempt to shut down a private school, the **Milford Christian Academy**, after it continued honoring religious exemption requests after the 2021 law took effect. That case is still pending.

Glaser said that the Supreme Court’s decision not to overrule the lower court’s ruling in Connecticut does not necessarily mean that the Supreme Court has shut the door on similar cases.

He said:

“More than 99% of petitions to the Supreme Court are denied without comment, so it’s not a reflection on the merits of the case. Indeed, often the Court will decline a meritorious case because there are even stronger cases moving through the lower courts, such as cases supported by very powerful amicus curiae interests, or cases more representative of the legal issues that face the general public.

“This is another example where unvaccinated families will benefit from patience and self-help resourcefulness in 2024. Suffice it to say that good things are still in motion, but the wheels of justice turn slowly, and so it’s unlikely 2024 will be the restoration year folks have been waiting for.”

According to **The Center Square**, at least five other states — California, Maine, Mississippi, New York and West Virginia — have eliminated religious exemptions.

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### Efforts to introduce religious exemptions in West Virginia continue despite veto

In March, West Virginia's governor vetoed a bill that **would have allowed private schools** to grant religious exemptions and which would also have exempted virtual-only public school students. **The bill** had garnered majorities in the state's **two legislative chambers**, both Republican-controlled.

"Our kids are our future. ... They are our most important resource, and I will protect them with everything I have," Justice said following the veto. "I must follow the guidance of our medical experts on this subject."

Justice "received immense pressure to reject the bill from health care leaders, educators and parents." The state's two teachers' unions, the West Virginia Hospital Association and the **West Virginia Medical Association** opposed the bill, the AP reported.

Dr. Alvin Moss, a professor at the West Virginia University School of Medicine, supported the bill and testified in its support before the West Virginia State Senate. He told The Defender, "It is sad that West Virginia, a conservative state whose motto is 'West Virginians are always free,' is one of only five states without religious exemptions to vaccine mandates."

"The healthcare industry in the state, including **Pharma**, the hospital association, and the medical association among others is very powerful" and "has been successful" in opposing such bills, Moss said, noting that his opinions are his own and not reflective of those of his employer.

Moss said efforts will continue in the next legislative session. "With more liberty-minded legislators this coming session, I anticipate there will be a real tug of war between the proponents of health freedom and the healthcare industry," Moss said.