

# Children's Health Defense



President Jonathan Holloway  
Rutgers, The State University of New Jersey  
7 College Avenue, 2nd Floor  
New Brunswick, NJ 08901  
**VIA FEDEX**

March 26, 2021

Dear President Holloway,

Your plans to modify Rutgers' vaccination policy has gained national attention. So much so, that your March 25, "Our Path Forward – COVID-19 Vaccination and the Fall Term" letter made its way to my desk.

I have worn many hats throughout my life. Right now, the health and medical freedom movement consumes most of my attention because bodily integrity and personal liberty are under attack. I firmly believe that leaders and individual citizens must not become unwitting pawns in schemes cloaked in liberty that actually impose totalitarian and tyrannical policies.

Your letter states, "the University will be updating its Immunization Requirements for Students to include the COVID-19 vaccine." Before you implement such a plan, I'd like you to consider that even though many university vaccination requirements for licensed and approved vaccines have been upheld in court, no court has ever upheld a mandate for an Emergency Use Authorization (EUA) vaccine, which all COVID vaccines are at present. In fact, a federal court has held that EUA vaccines cannot be mandated to soldiers in the U.S. military, who enjoy far fewer rights than civilians, *Doe #1 v. Rumsfeld*, 297 F.Supp.2d 119 (2003). That court remarkably held "...the United States cannot demand that members of the armed forces also serve as guinea pigs for experimental drugs." Id. at 135.

Federal law 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(III) requires that the person to whom an EUA vaccine is administered be advised, "of the option to accept **or refuse** administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks." The reason for the right of refusal stems from the fact that EUA products are by definition experimental. Under the Nuremberg Code, no one may be coerced to participate in a medical experiment. Consent of the individual is "absolutely essential." The liability for forced participation in a medical experiment, not to mention injury from such coerced medical intervention, may be incalculable. The consequences described in the statute mean medical consequences, not termination of employment or denial of in-person learning, as Rutgers contemplates.

I recently filed civil complaints on behalf of CHD and others regarding EUA products. I am swamped already with calls and emails to bring an action against your intended program. Since nothing has been finalized and no one has yet been harmed, now is not that time.

It is my sincere hope that you will reconsider your decision in light of the above facts.

Sincerely yours,

Robert F. Kennedy, Jr.