

President of Earlham College & Earlham School of Religion
Board of Trustees
Earlham College
801 National Rd W
Richmond, IN 47374

July 29, 2021

Dear President Anne Houtman and Board of Trustees,

In light of the recent update from the administration of Earlham College regarding the requirement of receiving the experimental Covid-19 vaccine as a condition of employment and student status, we the students, parents, faculty, employees and staff of Earlham College, are presenting an ethics complaint to you, the President and Board of Trustees of Earlham College.

Earlham College is recognized globally as a well-respected Quaker-based liberal arts college. On Earlham's website, it says "Earlhamites have never shied away from doing what's right." Earlham College supports a community, "that embraces people of all faiths and no faith." Our question, with the new policy Earlham has put out, makes the global community wonder how can an institution claiming to promote Quaker principles of inclusion, diversity, and acceptance of all faiths can target a marginalized group in our nation. We notice Earlham's efforts to support people of color, LGBT+ people, and other minorities and expect the same for medically fragile individuals and those who hold various personal religious beliefs against vaccination and Covid-19 shots in particular.

Choices relating to health are a civil right grounded in bodily autonomy [as repeatedly recognized by the Supreme Court], dignity of the individual, privacy, Nuremberg code, informed consent [free voluntary unburdened] and United Nations' Universal Declaration on Bioethics and Human Rights (2005).

The Covid-19 vaccines are not fully approved by the FDA, as they were only approved for Emergency Use Authorization. The Covid-19 vaccines are experimental. Earlham College states that "Beginning Aug. 5...all faculty, staff, and students must be fully vaccinated against COVID-19". This bold statement is in violation of The United States Department of Health and Human Services Title 45 CFR 46 - Protection of Human Subjects (typically known as the Common Rule), as well as the guiding principles of the ICH Good Clinical Practice. The Covid-19 vaccines are still 'experiments' within the meaning of the protections of the Common Rule.¹

In addition to the Covid-19 vaccines, the Covid-19 tests are authorized for use by the general public as "investigational products" under one of the 346 Emergency Use Authorizations ("EUA") issued by the FDA. Pursuant to Federal law [21 U.S.C. § 360bbb-3\(e\)\(1\)\(A\)\(ii\)\(III\)](#) I'm legally protected and provided with the option to accept or refuse administration of Covid-19

¹ Whether Section 564 of the Food, Drug, and Cosmetic Act Prohibits Entities from Requiring the Use of a Vaccine Subject to an Emergency Use Authorization
<https://www.justice.gov/sites/default/files/opinions/attachments/2021/07/26/2021-07-06-mand-vax.pdf>

shot and Covid-19 tests as they are “unapproved products,” since both have not been fully tested and approved for use by the FDA.²

Under the Nuremberg Code and the federal and state laws based on it, no citizen within the United States of America may be coerced to participate in this medical experiment.³ The Moderna, Pfizer, and Johnsons & Johnson Covid-19 vaccines have caused serious side-effects, infirmity, hospitalization, pathology and even death. **The Vaccine Adverse Events Reporting System (VAERS) for Covid-19 has reported 11,405 deaths, 36,117 hospitalizations, 62,339 reported going to the urgent care, 3,243 have reported anaphylaxis, and 3,313 have reported Bell's Palsy.**⁴ A recent MGB study confirms the previous study done by Harvard Pilgrim (HMO) which indicated that “fewer than 1% of vaccine adverse events” are reported to the VAERS system. This study concluded that if you take any statistic from the VAERS system and multiply it by 100, you will have a number closer to the real number of adverse reactions.

Assuming that the numbers reported in the VAERS systems may represent as little as 1% of actual deaths, as a federally-funded Harvard Pilgrim (HMO) study suggests, the actual number of deaths from the COVID-19 vaccine could be as high as 1,140,500. The actual number of total adverse events/reactions from COVID-19 vaccines could be 49,121,700.⁵

In order to file a religious exemption, Earlham College states that students, faculty, and staff must “submit a statement affirming a sincerely held religious belief that precludes being vaccinated. The statement should explain the religious principle(s) that guide the objection to immunization. A letter from the claimant’s clergy or religious leader stating the religion’s belief concerning the COVID-19 vaccine is also required. This letter must be on the clergy or religious leader’s letterhead and detail the religious tenet informing the request for an exemption. Personal and/or philosophical objections to vaccinations that are not tied to a sincerely held religious belief are not considered sufficient justification for granting an exemption.”

We would like to kindly remind you of Indiana Code 21-40-5-6 Religious objections which states “Sec. 6. (a) Except as otherwise provided, a student may not be required to undergo testing, examination, immunization, or treatment required under this chapter when the student objects on religious grounds. (b) A religious objection does not exempt a student from testing, examination, immunization, or treatment required under this chapter unless the request for an exemption is: (1) made in writing; (2) signed by the student; and (3) delivered to the individual who might order a test, an examination, an immunization, or a treatment absent the religious objection.”

² Federal Law 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(III) Emergency Use of Medical Products
<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section360bbb-3a&num=0&edition=prelim>

³ Nuremberg Code
https://media.tghn.org/medialibrary/2011/04/BMJ_No_7070_Volume_313_The_Nuremberg_Code.pdf

⁴ VAERS COVID Vaccine Data
<https://www.openvaers.com/covid-data>

⁵ Electronic Support for Public Health–Vaccine Adverse Event Reporting System (ESP:VAERS)
<https://greatmountainpublishing.com/wp-content/uploads/2021/01/Harvard-Vaccine-Injury-Study-Page-6-Reveals-1-Percent-Report-Rate.pdf>

Requiring support from religious leaders in religious exemptions is illegal.

Requiring students, faculty, and staff to send letters of support from their religious leaders is a violation of the First Amendment, which protects the free exercise of religion. Furthermore, requiring a letter of support from a religious leader based on someone's own personal beliefs goes against the concept, meaning, and purpose of faith and individual religious beliefs.

Being religious and holding religious values does not always equate that the religion one identifies with embodies one's own truth perfectly. Personal religious beliefs are between oneself and God, not an institution or a particular place of worship. Religion addresses questions having to do with deeply personal and imponderable experiences, understandings, and convictions. Religion, by nature, consists of a belief system as opposed to a set of isolated teachings. This belief system is the foundation to help people discover their truth and their experience with their God. Religion, while it can be acknowledged and recognized by the presence of external practices, is very much an internal practice.

Connecting with God is a personal experience and certainly not an experience that any other person could explain except the person experiencing it. Holding religious convictions, beliefs, tenets, and virtues cannot be 'authorized' by another person as they are directed by God, not a religious leader. Personal interpretations of a particular faith must never be subject to question the validity of individual sincere belief by any entity, religious or not.

To fulfill a purpose and truth within one's religious beliefs is greater than any one of us individually. No religious organization or institution of any kind can pretend to know the entirety of that specific purpose and truth. No entity including Earlham College has the authorization to determine the validity of a person's religious convictions, beliefs, tenets, and virtues. Only God or only one's higher power(s) has that authority.

Requiring an individual to submit a letter by a religious leader in support of their personal religious beliefs is a violation of the Establishment Clause, because it prefers one faith over another. **The First Amendment's Establishment Clause** prohibits the government from making any law "respecting an establishment of religion." This clause forbids the government from establishing an official religion. It also prohibits government actions that unduly favor one religion over another. Furthermore, the Establishment Clause prohibits the government from unduly preferring religion over non-religion, or non-religion over religion. Within the U.S. Supreme Court in *Lemon v. Kurtzman*, 403 U.S. 602 (1971), the court ruled that the government can assist religion only if (1) the primary purpose of the assistance is secular, (2) the assistance must neither promote nor inhibit religion, and (3) there is no excessive entanglement between church and state.

Private institutions, while not directly governed by the Constitution, must abide by state and federal law, including Title VII of the Civil Rights Act of 1964 - which prohibits discrimination based on race, color, national origin, gender, and religion.

Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religious belief (or lack of religious belief) and mandates that

employers provide reasonable accommodations, such as excused absences, for the sincerely held religious beliefs and practices of their employees unless it would pose an undue hardship. The law also prohibits segregation based on religion, such as assigning an individual to a position because of actual or feared preference. This Act reflects the belief that citizens within the United States of America should not be forced to choose between their faith and their jobs, their faith and their career, their faith and their education.

According to the *Equal Employment Opportunity Commission v. Center One, LLC, Civil Action No. 2:19-cv-01242*, in October 2016, the U.S. District Court for the Western District of Pennsylvania found the Center One to be in violation of Title VII of the Civil Rights Act of 1964. The lawsuit states that a Messianic Jewish employee of Center One faced discipline for his absences in observance of Jewish holidays, both Rosh Hashanah and Yom Kippur. Center One required the Messianic Jewish employee to provide a letter of support from a religious leader or religious organization "on letterhead" granting him time off as a reasonable accommodation for his absences in observance of those religious holidays, the EEOC said. The court ruled that Center One was in violation of Title VII of the Civil Rights Act of 1964.

In 2017 The [U.S. Court of Appeals for the Third Circuit](#), in the case of *Fallon v. Mercy Catholic Medical Center*, clearly articulated that employers cannot require a letter from a religious leader in order to consider an employee's request for religious exemption. In addition, the Third Circuit affirmed that, consistent with Supreme Court precedent and EEOC guidance, nontheistic beliefs can satisfy the Title VII of the Civil Rights Act of 1964 requirements.

Mercy Catholic Medical Center mandated the influenza vaccination for employees. Fallon requested a religious exemption and during the process Fallon was required to explain his personal religious beliefs in a letter. Mercy Catholic Medical Center concluded that Fallon's refusal to receive the influenza vaccine was not religious. The Third Circuit held that Fallon's religious views were not externally practiced, such as he didn't attend formal services or belong to a religious organization. Still, the Third Circuit acknowledged that religion is very much internal, as it was for Fallon.

Requiring an individual to submit a letter by a religious leader in support of their personal religious beliefs is a violation of the Indiana Code 21-40-5-6. It is evident that the policy of Earlham College and Earlham School of Religion to require documentation from a religious leader to allow one to freely practice his/her own religious beliefs violates Indiana State Law, US Supreme Court rulings, and the United States Constitution.

Denying Medical Exemptions can and will make you liable under law.

Additionally, if students, faculty, and staff would like to file a medical exemption, Earlham College states they must "submit documentation of a medical condition that is a contraindication to the COVID-19 vaccine and, if applicable, the expected duration of the qualifying medical condition. The document must be signed by a qualified medical provider. The College's medical representative reserves the right to contact the medical provider for purposes of authentication or clarification, as may be needed. Any medical information obtained in

connection with a request for medical exemption will be maintained as [confidential](#). All claims for medical exemption will be reviewed carefully, and the College will engage in a good-faith, interactive dialogue with the claimant in order to fully understand the claimant's specific circumstance. Earlham will then conduct an individualized assessment of the exemption request, determining the legitimacy of the claim, and if the claim is accepted, determining the feasibility of implementing a reasonable accommodation that will also allow for risk mitigation.”

Indiana Code 21-40-5-4: Exemption from immunization states: “Sec. 4. An exemption relieving a student from the requirements of section 3 of this chapter may be accepted by the state educational institution as part of the documentation of exemption for the following reasons: (1) If a health care provider makes a written statement indicating the nature and probable duration of a medical condition or circumstances that contraindicate an immunization, identifying the specific vaccine that could be detrimental to the student's health. (2) If pregnancy or suspected pregnancy is certified in a written statement from a health care provider. (3) If a health care provider provides written documentation that the student is in the course of completing an approved schedule of all necessary doses of the vaccines required for the diseases listed in section 2 of this chapter. If the student's medical condition or circumstances subsequently permit immunization, the exemptions granted by this section terminate and the student shall obtain the immunizations from which the student has been exempted.”

If Earlham College and Earlham School of Religion deny medical exemptions for an experimental injection, the institution may be held liable if any student, faculty, or staff suffers from or experiences an adverse reaction. In fact, if any student, faculty, or staff member has serious side-effects, infirmity, hospitalization, pathology or even suffers death from this experimental vaccine that is required by your institution, ***you may be held personally and legally responsible and liable.***

As noted above the Moderna, Pfizer, and Johnsons & Johnson Covid-19 vaccines have caused serious side-effects, infirmity, hospitalization, pathology and even death. **The Vaccine Adverse Events Reporting System (VAERS) for Covid has reported 11,405 deaths, 36,117 hospitalizations, 62,339 reported going to the urgent care, 3,243 have reported anaphylaxis, and 3,313 have reported Bell's Palsy.**⁶ A recent MGB study confirms the previous study done by Harvard Pilgrim (HMO) which indicated that “fewer than 1% of vaccine adverse events” are reported to the VAERS system. This study concluded that if you take any statistic from the VAERS system and multiply it by 100, you will have a number closer to the real number of adverse reactions.

Assuming that the numbers reported in the VAERS systems represents only 1% of the actual deaths, as per the Harvard Pilgrim (HMO) study, the actual number of deaths from the COVID-19 vaccine would likely be 1,140,500. The actual number of total adverse events/reactions from COVID-19 vaccines would likely be 49,121,700.⁷

⁶ VAERS COVID Vaccine Data
<https://www.openvaers.com/covid-data>

⁷ Electronic Support for Public Health–Vaccine Adverse Event Reporting System (ESP:VAERS)
<https://greatmountainpublishing.com/wp-content/uploads/2021/01/Harvard-Vaccine-Injury-Study-Page-6-Reveals-1-Percent-Report-Rate.pdf>

Segregating students, faculty, and staff is in violation of the law

Perhaps the most threatening part about Earlham College's policy targeting and alienating students who choose to not participate in a medical experiment is that "If an accommodation/exemption is granted to enable an unvaccinated person to be present on campus, the unvaccinated person will be subject to adhering to federal, state, and institutional guidance for unvaccinated individuals. These requirements will include observing social distancing requirements, wearing a face mask while on campus, and submitting to weekly PCR testing. An unvaccinated person's face mask must be worn in the proper manner, ensuring coverage of both mouth and nose. An unvaccinated person's failure to wear a face mask in the proper manner while on campus could result in disciplinary action, up to and including expulsion or termination."

The purpose of this letter is to inform you that requiring those with religious and medical exemptions to undergo testing, wear face masks, and to be segregated from the rest of the schools population violates the rights to religious freedom, free assembly, the right to a fair and equal education, and the right to be free from discrimination in public accommodations and employment.

College is much more than just academics. While attending classes and acquiring an education is important, college is more than coursework. Participating in campus activities, dormitory life, social events, clubs, sports games, etc... magnifies the student experience and offers experiential learning -- this creates the full college-education. Thus, a college education is not simply in the classroom. Limiting and restricting students based on private medical information (vaccine status) from a full college education is segregation.

Private institutions must abide by state and federal law. The federal government regulates private universities through statutes and common law. These federal laws and statutes protect individuals from discrimination, segregation and tyranny. Thus, a university may not discriminate simply because it is a private entity. Additionally, a private business may not discriminate simply because it is a private entity. Furthermore, any and all private institutions that receive federal funding, federal grants, federal activities and scholarships must abide by federal laws. We are well aware that Earlham College and Earlham School of Religion receive federal funds and grants, and so in order to continue to receive such funds you must change your policy that blatantly segregates, dehumanizes, and attacks a vulnerable population on your campus.

Private institutions that receive federal funding must abide the following federal statutes:

- Title VI of the Civil Rights Act of 1964 - which prohibits racial discrimination
- Title VII of the Civil Rights Act of 1964 - which prohibits discrimination based on race, color, national origin, gender, and religion
- Title IX of the Education Amendments of 1972 (codified in scattered sections of 7, 12, 16, 20, and 42 U.S.C.A.) - which prohibits gender-based discrimination

- Age Discrimination in Employment Act, 29 U.S.C.A. § 621 et seq. - which prohibits age-based discrimination
- Americans with Disabilities Act of 1990, Sections 2, 29, 42, and 47 U.S.C.A. - which prohibits discrimination based on disability
- Rehabilitation Act of 1973, 29 U.S.C.A. § 701 et seq. - which prohibits discrimination based on disability
- Higher Education Act, 20 U.S.C.A. § 403 et seq. - which establishes federal financial aid programs and the terms and conditions

Requiring Covid-19 vaccines and Covid-19 tests violates federal law. The Covid-19 vaccine, an experimental shot, is not approved by the FDA and is deemed experimental under the Emergency Use Authorizations (“EUA”). All three Covid-19 vaccines are not FDA approved to treat, cure, or prevent any disease at this time. For at least two years, clinical trials will continue.

Immunization records are “education records” under FERPA.

Earlham College is a covered institution under Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, a, 20 C.F.R. Part 99. Information relating to vaccine status, COVID disease history, and antibody titers, among other information relating to COVID (such as information relating to justification for exemptions), is treatment information, the disclosure of which is prohibited under FERPA. The term “education records” is defined, with certain exceptions, as those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution, or by a party acting for the agency or institution. 20 U.S.C. § 1232g(a)(4); 34 C.F.R. § 99.3, “Education records.”

Accordingly, immunization and other health records, as well as records on services provided to students under the Individuals with Disabilities Education Act (IDEA), which are directly related to a student and maintained by an educational agency or institution are “education records” under FERPA. Disclosure of personally identifiable information (PII) is prohibited without prior written consent. Requiring masks and tests for unvaccinated students, for example, are prohibited PII every bit as much as Hawthorne’s scarlet letter or Hilts identifying marking system including but not limited to the pink, black, purple, brown and red triangles and the yellow star. Such public labeling subjects students to shaming, bullying, ridicule, harassment, or worse, and must never be allowed on your campus.

PCR Tests and Nasal Swabs Endanger Health & Have Been Recalled.

There are grave concerns regarding Covid-19 nasal swab tests used in PCR testing and lateral flow testing; these tests can and do cause damage to the membrane protecting the brain. Researchers from JAMA Otolaryngology-Head & Neck Surgery have issued warnings about the risks for sinus pathology in undergoing the Covid-19 tests and nasal swabs.⁸ Mandating the

⁸ Assessment of Available Online Information About Nasopharyngeal Swab Testing in Patient Instructions for Sinus and Pituitary Surgery
<https://jamanetwork.com/journals/jamaotolaryngology/fullarticle/2777089>

Covid-19 tests could hold your institution liable if a student or employee experiences damage to the membrane protecting the brain causing cerebrospinal fluid leak and neurovascular damage.

Furthermore, the World Health Organization (WHO) has explained that there have been an overwhelming number of false positives reported through the Covid-19 tests. The WHO recommends 25 cycles of tests to determine a positive or negative case of Covid-19. However, the more cycles in a test, the more likely a false positive is. The tests currently are being run at 45 cycles. The Covid-19 tests are not only inaccurate, they are not safe, and they have the potential to cause damage to the membrane protecting the brain.

Just this past month, Quidel recalled the Lyra SARS-CoV-2 Assay because of the significant risk of false negative results.⁹ Innova has also recalled the Unauthorized SARS-CoV-2 Rapid Qualitative Test due to the high risk of false test results.¹⁰

Furthermore the FDA has identified both of these recalls as Class I recalls, “the most serious type of recall. Use of these devices may cause serious injuries or death.”

False negative results may lead to delayed diagnosis or inappropriate treatment of SARS-CoV-2 that may cause patient harm, serious illness, and death. False negative results also lead to further spread of the SARS-CoV-2 virus, when presumed negative patients are introduced into groups within health care, long-term care, or other similar facilities. Actions to limit exposure based on false negative results might not be taken, such as isolating infected individuals.

You must recognize the potential dangers that come along with requiring vaccination and requiring testing to the students/employees. While the dangers and unknown side effects to this Covid-19 experimental shot and the Covid-19 tests are not only a safety risk to the public, they both would be of potential risk of liability to your school.

Given the risks in taking the currently-available Covid-19 “investigational products” under Emergency Use Authorization, many students, faculty, and staff do not wish to take the Covid-19 vaccine nor the Covid-19 test within their rights under [21 U.S.C. § 360bbb-3\(e\)\(1\)\(A\)\(ii\)\(III\)](#).

If your university continues to promote discrimination or segregation against those who have religious or medical exemptions to vaccines (including Covid-19), and if your university continues to force experimental tests that are under Emergency Use Authorization (EUA), note you are liable and therefore subject to lawsuits, as you are in violation of **The Civil Rights Act of 1964** and **FDA regulations Title 45 CFR 46 - Protection of Human Subjects**, as well as **The Americans with Disabilities Act of 1990 or ADA (42 U.S.C. § 12101)** which requires all

⁹ Quidel Recalls Lyra SARS-CoV-2 Assay (M120) Due to Risk of False Negative Results
<https://www.fda.gov/medical-devices/medical-device-recalls/quidel-recalls-lyra-sars-cov-2-assay-m120-due-risk-false-negative-results>

¹⁰ Innova Medical Group Recalls Unauthorized SARS-CoV-2 Antigen Rapid Qualitative Test with Risk of False Test Results
<https://www.fda.gov/medical-devices/medical-device-recalls/innova-medical-group-recalls-unauthorized-sars-cov-2-antigen-rapid-qualitative-test-risk-false-test>

colleges, institutions and entities that accept federal funds to provide equal access to education regardless of physical and mental disabilities.

Considering the horrendous, discriminatory, and abusive treatment of your former student Caitlin Corrigan this past Spring, we recognize the continual lack of regard for people of various and diverse backgrounds. Earlham College is obviously not new to marginalizing and oppressing its employees and students. As leaders in protecting civil rights and liberties within the Indiana State Constitution and The United States Constitution, we have been continuously disturbed by the harassment of the members within your community that choose to not be vaccinated and/or participate in an experiment. We expect that this error will be corrected in a timely manner for the safety and security of all members of the Earlham community.

Recommendation

We also wanted to make you aware of a suggestion made by the [U.S. Equal Employment Opportunity Commission](#) in 2009 during the H1N1 virus outbreak, which has since then been updated in response to the COVID-19 pandemic in March 2021, suggesting the following: "Generally, [Americans with Disabilities Act]-covered employers should consider simply encouraging employees to get the influenza vaccine rather than requiring them to take it."

We suggest you research the law, landmark court cases involving discrimination based on religion, and the rights of your students, staff, and employees before creating tyrannical policies that violate the civil rights and liberties protected by the United States Constitution. If you insist on carrying out this policy, we request that you formally explain in a letter what laws allow Earlham College and Earlham School of Religion to override Indiana State Law and federal law under the United States Constitution. We respectfully request a formal response by Monday, August 2, 2021.

Sincerely,

Cait Corrigan on behalf of An Anonymous Group of Earlham College Students, Parents, Faculty, Employees and Staff fearful of retribution and discharge should they use their names



Cait Corrigan, MDiv Candidate Boston University School of Theology
Students Against Mandates
Children's Health Defense

In Support of Cait Corrigan on behalf of the Anonymous Group of Earlham College Students, Parents, Faculty, Employees, and Staff:



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