

HEALTH FREEDOM

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The following letter is for your education and information only. This letter was written by our legal team on behalf of a client to her employer. We are sharing it to educate you about your rights and the rulings of the US Supreme Court.

The important points to understand are:

- 1) You are entitled to your religious/conscientious beliefs;
- 2) No individual may sit in judgment of your religious/conscientious beliefs;
- 3) No individual may discriminate against you based upon your religious/conscientious beliefs.

October 6, 2021

First and Last Name (of Committee Head)

Religious Exemption Review Committee

Company | Website

Street Address

City, State, Zip

RE: Full Name – Application for Religious/Conscientious Belief Exemption

Dear Committee Head Name:

This office represents the above-referenced employee/student affiliated with your organization. As you know, he/she has applied for a religious exemption from mandatory vaccination with the COVID treatments, as that term is defined by the Federal Centers for Disease Control, currently available and which your organization has mandated as a condition of participation in employment and/educational opportunities.

In response, you have submitted to Mr/s. LAST NAME a series of intrusive, improper and inappropriate questions well outside the scope of permissible inquiry into the private spiritual convictions that guide Mr/s. LAST NAME spiritual life. The mere asking of the questions you posed as a condition of education or employment constitutes religious discrimination under 42 U.S.C. 1983. It reflects, too, a misunderstanding of the current state of the law with regard to exemptions on the basis of conscience.

COMPANY/ORGANIZATION is subject to the same constraints as any other state or private entity and is also subject to the same constitutional limitations to which government is subject.

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The Supreme Court, in an unbroken line of very clear cases, has held that entitlement to deferment or exemption on the basis of conscience need not be supported by a particular religion or, for that matter, even a belief in a deity. The Supreme Court has written:

“To be sure we have ruled, in connection with s 6(j), that ‘the ‘truth’ of a belief is not open to question’; rather, the question is whether the objector’s beliefs are ‘truly held.’ *United States v. Seeger*, 380 U.S., at 185, 85 S.Ct., at 863. See also *United States v. Ballard*, 322 U.S. 78, 64 S.Ct. 882, 88 L.Ed. 1148 (1944). But we must also recognize that ‘sincerity’ is a concept that can bear only so much adjudicative weight.”

Gillette v. United States (1971) 401 U.S. 437, 457.

Neither government nor private entity is permitted to look behind a person’s expressed sincerely held, moral convictions to explore their truth of those convictions or to question the individual’s spiritual sensibilities. Your questions do precisely that.

In asking for information with regard to Mr/s. LAST NAME’s religious faith, his/her denomination and the precepts of his/her particular religion, you are invading not just his/her privacy rights under the Fourth, Fifth, Ninth, Tenth and Fourteenth Amendments, but his/her religious rights under the First Amendment. The Supreme Court has, as recently as last year, held that neither courts nor government nor, in this instance, a private institution, may engage in sectarian debates or weigh the varying views of members a faith or denomination. *Our Lady of Guadalupe School v. Morrissey-Berru* (2020) 140 S.Ct. 2049, 2070. Doing so is, as I indicated, also a violation of the Civil Rights Act of 1964.

Moreover, as I have indicated hereinabove, the term “religious exemption” is a mischaracterization of the right of individuals to exemptions by reasons of conscience. The Supreme Court has clearly held that one need not profess a religion to be entitled to such an exemption. *United States v. Seeger* (1965) 380 U.S. 163, 165. As the Court wrote in so holding:

“Congress, in using the expression ‘Supreme Being’ rather than the designation ‘God,’ was merely clarifying the meaning of religious training and belief so as to embrace all religions and to exclude essentially political, sociological, or philosophical views. We believe that under this construction, **the test of belief ‘in a relation to a Supreme Being’ is whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption.**”

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The Court went on to explain:

As an objective test relating to the existence – or non-existence – of a belief itself, the test does not concern itself with the truth of the belief. In other words: “Men may believe what they cannot prove. **They may not be put to the proof of their religious doctrines or beliefs.** Religious experiences which are as real as life to some may be incomprehensible to others.’ **Local boards and courts in this sense are not free to reject beliefs because they consider them ‘incomprehensible.’ Their task is to decide whether the beliefs professed by a registrant are sincerely held and whether they are, in his own scheme of things, religious.**”
[emphasis supplied]

Some years later, the Supreme in Court *Welsh v. U.S.* (1970) 398 U.S. 333, 340, further explained the state of the law and Constitutional mandate with respect to the individual right of conscience. In that case, the Court wrote:

“If an individual deeply and sincerely holds beliefs that are purely ethical or moral in source and content but that nevertheless impose upon him a duty of conscience to refrain from participating in any war at any time, those beliefs certainly occupy in the life of that individual ‘a place parallel to that filled by * * * God’ in traditionally religious persons. Because his beliefs function as a religion in his life, such an individual is as much entitled to a ‘religious’ conscientious objector exemption under s 6(j) as is someone who derives his conscientious opposition to war from traditional religious convictions.”

Welsh v. U.S. (1970) 398 U.S. 333, 340.

Mr/s. LAST NAME has explained, in painful and very personal detail, the basis for his/her religious objection to the administration of the currently available COVID “vaccines”. You are not entitled to presume to go behind that expressed conviction and question whether he/she is supported by a religious body, a particular pastor, a holy book or scripture. Doing so is a violation of his/her privacy, religious liberty under the First Amendment the clear injunctions of Supreme Court precedent in *Seeger*, *Welsh* and *Morrissey-Berru*, as well as the Civil Rights Act of 1964.

Frankly, your questions are clearly not sincerely posed and are harassing on the basis of religious animus. They are intended to embarrass, humiliate and bully Mr/s. LAST NAME into submitting to treatment that violates his/her conscience and his/her right to exemption under clear First Amendment jurisprudence and Article 1, Section 18 of the *Wisconsin Constitution* (substitute appropriate state law). If Mr/s. LAST NAME is denied a religious exemption by COMPANY, we will file suit under 42 U.S.C. 1983, analogous sections of the Wisconsin Statutes

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and Article 1, Section 18 of the Wisconsin Constitution (substitute appropriate state law). I would recommend you review that section of your State's Constitution before proceeding further because it makes very clear that the inquiry you have submitted is improper and prohibited. It reads as follows:

Freedom of worship; liberty of conscience; state religion; public funds. SECTION 18. [As amended Nov. 1982]

The right of every person to worship Almighty God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend, erect or support any place of worship, or to maintain any ministry, without consent; **nor shall any control of, or interference with, the rights of conscience be permitted,** or any preference be given by law to any religious establishments or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries. [1979 J.R. 36, 1981 J.R. 29, vote Nov. 1982]
[emphasis supplied]

COMPANY/ORGANIZATION is the recipient of significant amounts of public funds and therefore must conform to public norms. (Delete if not applicable. This was originally to a university.)

You act as if this exemption were a matter of grace by COMPANY/ORGANIZATION. It isn't. It is a matter of *right*, enforceable at law, for Mr/s. LAST NAME.

We recommend you revisit your recent further inquiry and withdraw it and grant Mr/s. LAST NAME the exemption to which he/she is entitled.

Sincerely,

Lawyer

Lawyer Initials/Initials
cc. Last Name