(Date), 2021

RE: My Application for Religious Exemption

Dear Sirs,

I received and reviewed your Religious Exemption questionnaire. I believed that the questioning was out of bounds and possibly illegal. I also suspected that others had been subjected to a similar line of questioning.

I found the following memo/opinion posted online concerning another case with a similar line of questioning. I believe the substance applies to my situation and I’ve copied it below. I hope that your office will review it and revise its policies.

I am complying with the law and explaining my Sincerely Held Belief and the conflict the Covid 19 “vaccine” poses to those beliefs, as according to the EEOC Title VII, those are the two elements that I am required to submit as well as my request for an accommodation to resolve that conflict.

Thank you for your consideration. I believe that minimizing the number and depth of the questions will also streamline this process for myself and many others.

Sincerely,

**Case law as it pertains to invasive questioning as a condition of granting Religious Exemption from the COVID 19 “vaccine”.**

As an example, an employee of the company 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 an organization has mandated as a condition of participation in employment and/educational opportunities.

In response, the company has submitted a series of intrusive, improper and inappropriate questions well outside the scope of permissible inquiry into the private spiritual convictions that guide the employee’s spiritual life and the length at which they’ve been held. The mere asking of the questions they 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.

The company may be a private organization, but it is subject to the same constraints as any other organization and, by reason of its receipt of government funding, (ie, a federally funded institution or federal contractor), is also subject to the same constitutional limitations to which government is subject.

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. The questions do precisely that.

In asking for information with regard to the employee’s religious faith, their denomination and the precepts of their particular religion, the company is invading not just their privacy rights under the Fourth, Fifth, Ninth, Tenth and Fourteenth Amendments, but their 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 to weight 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 indicated, also a violation of the Civil Rights Act of 1964.

Moreover, as 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**.”

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.

The employee has explained in detail, the basis for their 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 they are supported by a religious body, a particular pastor, a holy book or scripture. How long the employee has held these beliefs is also not relevant. Additionally, asking the employee to divulge private medical information to support a Religious Exemption is outside the scope. Doing so is a violation of their 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 the employee into submitting to treatment that violates their conscience and their right to exemption under clear First Amendment jurisprudence. If the employee is denied a religious exemption by your organization, they should file suit under 42 U.S.C. 1983, and applicable state laws. It would be prudent for you to also review the section of your State’s Constitution and laws regarding religious protections before proceeding further because the inquiry you have submitted is improper and prohibited.

You act as if this exemption were a matter of grace by your organization. It isn’t. It is a matter of *right*, enforceable at law, for the employee.

It is recommended that you revisit your current expanded inquiry and withdraw it and grant the employee the exemption to which they are entitled.