

Re: Covid-19 Vaccination Mandate from Employer
Request for Religious Accommodation Under Title VII of The Civil Rights Act of 1964

Dear

I have recently been informed that I must submit to an experimental covid-19 vaccination or be terminated. Please find herein my request for religious accommodation to the vaccine mandate pursuant to Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et seq.). This request is based on my sincerely held belief in the sanctity of life and the scriptural prohibition against murder under the Sixth Commandment.

The covid-19 vaccine manufacturers utilizing fetal cell lines in the testing, efficacy, and manufacturing of these vaccines are as follows:

- A. Pfizer and BioNTech – The Pfizer Vaccine was protein tested using the abortion-derived cell line HEK-293. This information is enumerated by the Lozier Institute¹ and recorded by the Cold Spring Harbor Laboratory.²
- B. Moderna – The Moderna Vaccine was protein tested using the abortion-derived cell line HEK-293. This information is enumerated by the Lozier Institute³ and cited by the vaccine researchers Kizzmekia S. Corbett, Darin K. Edwards, and Sarah R. Leist.⁴
- C. Johnson & Johnson – The J&J Vaccine has publicly admitted to using an abortion-derived fetal cell line called PER.C6. This is published on the Janssen website⁵ and enumerated by the Lozier Institute.⁶
- D. AstraZeneca – AstraZeneca was developed using the abortion-derived cell line HEK-293. This information is enumerated by the Lozier Institute⁷ and also contained in documents permitting its emergency use in the United Kingdom.⁸ The AstraZeneca vaccine is currently undergoing phase three of U.S. trials.

¹ The Lozier Institute Lists a number of covid-19 Vaccines which utilize aborted fetal cells - <https://lozierinstitute.org/update-covid-19-vaccine-candidates->

² The Pfizer Vaccine utilized aborted fetal cells - <https://www.biorxiv.org/content/10.1101/2020.09.08.280818v1.full>

³ The Lozier Institute Lists a number of covid-19 Vaccines which utilize aborted fetal cells - <https://lozierinstitute.org/update-covid-19-vaccine-candidates-and-abortion-derived-cell-lines/>

⁴ The Moderna Vaccine utilized aborted fetal cells - <https://www.nature.com/articles/s41586-020-2622-0>

⁵ The Johnson & Johnson Vaccine utilized aborted fetal cells - <https://www.janssen.com/emea/emea/janssen-vaccine-technologies>

⁶ The Lozier Institute Lists a number of covid-19 Vaccines which utilize aborted fetal cells - <https://lozierinstitute.org/update-covid-19-vaccine-candidates->

⁷ The Lozier Institute Lists a number of covid-19 Vaccines which utilize aborted fetal cells - <https://lozierinstitute.org/update-covid-19-vaccine-candidates-and-abortion-derived-cell-lines/>

⁸ The UK Government acknowledges AstraZeneca's usage of aborted fetal cells - <https://www.gov.uk/government/publications/regulatory-approval-of-covid-19-vaccine-astrazeneca/information-for-healthcare-professionals-on-covid-19-vaccine-astrazeneca-regulation-174>

There are over a dozen more drug manufacturers utilizing fetal cell lines which are not included because they are not available at the time of this writing.

For these reasons, I cannot submit to your demand to be vaccinated nor am I required to do so under Title VII of the Civil Rights Act. This remains true whether the aborted fetal cell line has been synthetically replicated in a lab and no matter how many times it may have been replicated, no matter how tenuous the connection may be.

Although my objection to the experimental covid-19 vaccines are many, I rely solely upon my sincerely held religious beliefs under Title VII in making this request for accommodation. It is for this reason alone that I cannot accept any of these vaccinations.

As discussed in greater detail below, federal law requires an employer to presume a Title VII religious accommodation request is sincere, absent objective evidence to the contrary. Title VII also requires the employer to provide accommodation so long as it is based on a religious belief and does not cause an "undue burden" that is significant and more than speculative.

THE RELIGIOUS ORIGIN OF MY SINCERELY HELD BELIEF

I offer this evidence not because it is required by law (it must be presumed by the employer who may not ask for supporting documentation), but to provide a better understanding of why there is no objective reason to question the religious nature of my sincerely held belief.

The sanctity of life is rooted in the fact that God created man in His own image and has a unique plan for our lives.^{9 10} The sanctity of life is further established under the Sixth Commandment "Thou shall not murder."¹¹ The scriptures regard murder ("ratsach" in the original Hebrew text) as an especially heinous act (sin) because it is viewed as a brazen assault on God Himself who created human beings in his own image."¹² The scriptures declare that the blood of the murdered victims cry out to God for justice.¹³

I hold to the view that human life begins at conception. It is a scientific fact that at the moment of conception the zygote contains all the essential factors for development, including an encoded set of DNA instructions in the genes of the chromosomes. All that is required is time to develop.

Various medical terms have been used to describe a human being at the earliest stages (embryo, zygote, fetus, etc.). However, these terms define how old it is, not what it is. If we want to know *what* it is, we do a DNA test which reveals it is a human being, not a mass of tissue or protoplasm. The only difference is the degree of maturation, not in kind, but between the stages from embryo, to fetus, infant, and so on. For this reason, I recognize the sanctity of life from the moment of conception forward.

The scriptural account of God's relationship with his creation is intimate and omniscient (all knowing). The scriptures tell us He knows the number of hairs on our head.¹⁴ Had the New Testament writer known about DNA, cells and atoms, he might have said "He knows the number of atoms in our body."

⁹ Genesis 1:27

¹⁰ Proverbs 16:9, Psalm 32:8, Proverbs 19:21, Psalm 139:16, Ephesians 1:4-5, etc.

¹¹ Deuteronomy 5:17 (Original Hebrew text: You shall not "ratsach" which means "murder" not You shall not "harag" which means "kill")

¹² Genesis 1:27

¹³ Genesis 4:10-11

¹⁴ Matthew 10:30

It has been estimated there are over 100 passages in the scriptures that confirm God's intimate knowledge of his creation, even before creation.¹⁵ ("For you created my inmost being; you knit me together in my mother's womb. I praise you because I am fearfully and wonderfully made; your works are wonderful, I know that full well. My frame was not hidden from you when I was made in the secret place, when I was woven together in the depths of the earth. Your eyes saw my unformed body; all the days ordained for me were written in your book before one of them came to be." Psalm 139:13-16)

It is important to know that although I have strong religious convictions regarding the sanctity of life, those same religious beliefs prohibit me from judging others who believe differently.

My sincerely held belief about the sanctity of life prevents me from participating in or benefitting from an abortion, which is the killing of an innocent human being. This remains true no matter how tenuous the connection may be. My sincerely held belief is ***unmistakably "religious" in nature.***

THE SINCERITY OF RELIGIOUS BELIEF

It is my point of view that an immoral act cannot become moral simply because the benefit received from the immoral act becomes tenuous. If it is immoral to kill an innocent human being in the womb then it is immoral to benefit from that killing in any way, no matter how tenuous the connection may be, even if the benefit is derived from a synthetic version of the human cell obtained from the aborted baby.

My religious belief that abortion is immoral and that I must have nothing to do with it no matter how tenuous the connection may be, is ***unmistakably "sincere" in nature.***

THE APPLICABLE LAW: TITLE VII CIVIL RIGHTS ACT OF 1964 (42 U.S.C. § 2000E ET SEQ.)

Title VII is a federal statute that was enacted in 1964. It prohibits discrimination in the workplace based on race, gender, religion, color and nationality. Title VII of the Civil Rights Act confers upon district courts of the United States the authority to provide injunctive relief against discrimination in the work place. The Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it unlawful for employers to discriminate against employees based on sincerely held religious beliefs. The EEOC recently clarified federal law as it pertains to forced covid-19 vaccinations in the workplace, such as the one recently implemented by the State of California.¹⁶

Private and government employers are prohibited from discriminating against employees on the basis of religion by virtue of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, 42 U.S.C. §2000e et seq. (hereinafter "Title VII").

Title VII prohibits (1) employers from treating applicants or employees differently because of their religious beliefs;¹⁷ (2) workplace harassment because of religious beliefs;¹⁸ (3) denying a reasonable

¹⁵ Psalm 139:13-16, See also Jeremiah 1:4-5, Romans 8:29, Psalm 139:1-24, Isaiah 49:5, Ephesians 1:4, Isaiah 44:2, Job 31:15, Galatians 1:15, et al;

¹⁶ EEOC What You Should Know About covid-19 (*June 28, 2021*) <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#intro>

¹⁷ *Abramson v. William Paterson Coll. of N.J.*, 260 F.3d 265, 281-82 (3d Cir. 2001). The elements for providing a case of religious discrimination are the same as those for race and sex discrimination. The employee must allege she "(1) is a member of a protected class, (2) was qualified and rejected for the position she sought, and (3) nonmembers of the protected class were treated more favorably." *Id.*; see, e.g., *Delegne v. Kinney Sys., Inc.*, 2004 WL 1281071 (D. Mass. June 10, 2004) (holding Ethiopian Christian parking garage cashier could proceed to trial on religious harassment and discrimination where he was not allowed to bring a Bible to work, pray, or display religious items). Like sex and race, disparate impact analysis can also be used in religious discrimination claims. See, e.g., *Barrow v. Greenville Indep. Sch. Dist.*, 480 F.3d 377, 382-83 (5th Cir. 2007) (finding insufficient statistical evidence to show school's policy favoring teachers whose students attended public school had a disparate impact on teachers whose kids attended private school for religious reasons).

¹⁸ See *Faragher v. City of Boca Raton*, 524 U.S. 775,786-88 (1998) (finding harassment claims are actionable on any of the Title VII's protected bases). A prima facie claim for religious harassment is also the same as for sex and race. The employee must demonstrate "(1) the employee[] suffered intentional discrimination because of [religion]; (2) the discrimination was pervasive and regular; (3) the

accommodation of an employee's sincerely held religious belief; and (4) retaliating against an employee for filing a complaint or requesting an accommodation of religious beliefs.¹⁹

The federal EEOC laws allow an employer to require a covid-19 vaccination for an employee who physically enters the workplace *unless* that employee has raised a sincerely held religious belief that would prohibit the vaccination.

Religion is broadly defined under Title VII as including "all aspects of religious observance and practice, as well as belief." 42 U.S.C. §2000e(j). The courts and the EEOC have interpreted this provision very liberally.²⁰

The employer must presume the request for religious accommodation is based on a sincerely held religious belief, practice, or observance. The employer cannot ask for additional supporting information unless the employer is aware of specific facts about the employee that provide an objective basis for questioning the religious nature or sincerity of the employee's religious belief, practice, or observance.

If the employee risks termination because of religious beliefs, then sincerity is virtually unquestionable. As one court observed, sincerity of religious belief can scarcely be doubted when the petitioner is willing to jeopardize [his] job in support of that belief." *McGinnis v. U.S. Postal Sen.*, 512 F. Supp. 517, 520 (N.D. Cal. 1980).

The EEOC defines religious practices as including moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional views. The fact that no religious group espouses such beliefs or the fact that the religious group to which the individual professes to belong may not accept such belief will not determine whether the belief is a religious belief of the employee.

In other words, the EEOC test does not require that the employee's religious belief coincide with the tenets of his church: "Title VII protects more than the observance of Sabbath or practices specifically mandated by an employee's religion." *Heller*, 8 F.3d at 1438; see also *id.* at 1438-39 (summarizing authorities); *Redmond v. GAF Corp.*, 574 F.2d 897, 900-01 (7th Cir. 1978) ("We conclude that conduct which is " religiously motivated," i.e., "all forms and aspects of religion, however eccentric. ..." is protected."); 22 A.L.R. Fed. 580 § 4.

Once an employee has established a prima facie case of religious discrimination, an employer is required to reasonably accommodate the employee's religious beliefs unless such accommodation would result in undue hardship to the employer. *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63, 73-74 (1977). "After an employee or prospective employee notifies the employer or labor organization of his or her need for a religious accommodation, the employer has an obligation to reasonably accommodate the individual's religious practices." 29 C.F.R. 5 1605.2(c).

discrimination detrimentally affected the plaintiff; (4) the discrimination would detrimentally affect a reasonable person of the same [religion] in that position; and (5) the existence of respondent superior liability." *Abramson*, 260 F.3d. at 276 (quotation marks and citation omitted); see also *Johnson v. Spencer Press of Me., Inc.*, 364 F.3d 368, 375-77 (1st Cir. 2004) (finding harassment where supervisor repeatedly insulted plaintiff and mocked his conservative religious beliefs).

¹⁹ *Virts v. Consa Freightmgs Corp. of Del.*, 285 F.3d 508, 521 (6th Cir. 2002). A prima facie retaliation claim is established by the following: "1) the plaintiff engaged in an activity protected by Title VII; 2) the exercise of the plaintiff's civil rights was known to the defendant; 3) the defendant thereafter undertook an employment action adverse to the plaintiff; and 4) there was a causal connection between the protected activity and the adverse employment action." *Id.*

²⁰ See Donald T. Kramer, Annotation, *Valieti* 64, Construction, and Application of Provisions of Title VII of the Civil Rights Act of 1964 (42 USCA 2000e, et seq.), and Implementing Regulations, Making Religious Discrimination in Employment Unlawful, 22 A.L.R. Fed. 580 5 4 (1975)

In general, an employer is required to accommodate an employee's adherence to the principles of his religion unless such accommodation will actually interfere with the operations of the employer. *Ansonia Board of Education v. Philbrook*, 479 U.S. 60 at 67 (quoting *Hardison*, 432 U.S. at 84). **Under Title VII, courts define “undue hardship” as having more than minimal cost or burden on the employer. A consideration relevant to the undue hardship analysis should include the proportion of employees in the workplace who already are partially or fully vaccinated against covid-19.**

Most courts require that the employer demonstrate attempted accommodation before it claims undue hardship as a defense. See, e.g., *Redmond*, 574 F.2d at 901-02; *Shaffeld v. Northrop Worldwide Aigre 68 Serv., Inc.*, 373 F. Supp. 937, 944 (M.D. Ala. 1974). The "undue hardship" standard is "used to measure an employer's duty to accommodate to an employee's religious observances in a disparate treatment claim of religious discrimination." *Bcp.z. v. Walters*, 782 F.2d 701, 706 (7th Cir. 1986).

The employer has the burden of proving undue hardship which must be more speculative. *Smith v. Pyro Mining Co.*, 827 F.2d 1081 at 1085-86; see also *Haring*, 471 F. Supp. at 1182 ("undue hardship' must mean present undue hardship, as distinguished from anticipated or multiplied hardship."). For example, undue hardship requires more than proof that other employees would grumble or be unhappy about a particular accommodation.

“[A]n employer does not sustain his burden of proof merely by showing that an accommodation would be bothersome to administer or disruptive of the operative routine.”²¹

Courts are skeptical of hypothetical hardships that an employer thinks *might* be caused by an accommodation that never has been put into practice. The employer is on stronger ground when he has attempted various methods of accommodation and can point to hardships that actually resulted.” *Pyro Mining*, 827 F.2d at 1085-86 (quoting *Draper v. U.S. Pipe & Foundry Co.*, 527 F.2d 515, 520 (6th Cir. 1975)).

RISK MANAGEMENT CONSIDERATIONS

Although the following has no bearing on my Title VII request, it is nonetheless important for an employer to consider risk management and liability when mandating covid-19 vaccines as a condition to retain employment.

An employer who implements a program forcing all of its employees to participate in a vaccination program as a condition to maintain employment may be held liable for any and all harm or death that is the proximate cause of the mandated vaccine. The employer may not claim employees were not “forced” to participate in the vaccination program because they had a choice. Termination from employment is a catastrophic consequence, not a viable or meaningful “choice.”

I understand that employers have received directives from The California Department of Health requiring them to vaccinate their employees or subject them to onerous requirements as a condition to remain employed (which is arbitrary in light of the fact vaccinated individuals are contracting and spreading covid-19). However, Title VII of the Civil Rights Act is federal law which supersedes state including mandates issued by state agencies such as the California Department of Health.

²¹ *Crider v. University of Tennessee*, Knoxville, U.S. Court of Appeals for the Sixth Circuit, 2012 U.S. App. LEXIS 15444 (July 23, 2012)

In closing, I would like to emphasize my gratitude and appreciation for the working relationship we have maintained. I do not want to jeopardize my employment unless it requires me to abandon my sincerely held religious beliefs. I hope to continue this working relationship under a reasonable accommodation.

Thank you for your consideration.

Sincerely,

A small, faint handwritten mark or signature, possibly initials, located below the word "Sincerely,".