



Dr. Christina Grant
State Superintendent of Education
Office of the State Superintendent of Education
1050 First Street, NE
Washington, DC 20002

July 25, 2022

Via FedEx and
email to Christina.Grant@dc.gov

RE: OSSE Covid-19 vaccine mandate for schoolchildren

Dear Dr. Grant:

I noticed your July 19, 2022 announcement¹ requiring students ages 12 and up to be vaccinated as you asserted: "On July 8, 2022, the FDA fully approved the COVID-19 vaccine commonly known as the Pfizer-BioNTech COVID-19 Vaccine for individuals 12 to 15 years old."

Your announcement is incorrect since the Pfizer-BioNTech COVID-19 vaccine has never been approved and merely has an experimental, Emergency Use Authorization.²

Before you follow through with your plan, I'd like you to consider that even though courts have upheld many childhood vaccination requirements for licensed and approved vaccines, no court has ever upheld a mandate for schoolchildren for an Emergency Use Authorization (EUA) vaccine, such as the Pfizer-BioNTech vaccine.

In fact, a District of Columbia United States District Court 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 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

¹ <https://osse.dc.gov/release/osse-encourages-families-receive-required-immunizations>

² Comirnaty, Pfizer's approved vaccine is unavailable.

Nuremberg Code, a universal legal norm, 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 liability for injury from such coerced medical intervention, may be incalculable.

Children's Health Defense currently has a lawsuit³ against the Mayor's office and Lewis Ferebee in his official capacity as Chancellor of D.C. Public Schools. On March 18, 2022, the Court issued a preliminary [injunction](#) in our favor against D.C.'s illegal vaccine program. We remain in settlement negotiations with D.C.

Unless you'd care to see a repeat in federal court, please rescind your program immediately or Children's Health Defense likely will again bring suit to enjoin your new mandate. We reserve our right to seek damages, attorney fees and costs, in addition to all other rights and remedies under law. If you would like to discuss this issue further, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert F. Kennedy, Jr.", with a stylized flourish at the end.

Robert F. Kennedy, Jr.
Chairman, Children's Health Defense

³ Booth v. Bowser D.C. District Court 1:21-cv-01857-TNM