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January 21, 2022

To: Members of the Louisiana State Legislature via email
Re: **New Orleans' Illegal COVID-19 Vaccine Mandate for Individuals Five and Older**

We write to you today with great concern over the implemented COVID-19 vaccine mandate for everyone five years of age and older in New Orleans¹ as the mandate violates federal and state law.

A mandate of an Emergency Use Authorized medical intervention violates federal law.

As stated in the federal law governing Emergency Use Authorization (EUA), **21 U.S. Code 360bbb-3(e)(1)(A)(ii)(iii)**,² concerning an EUA medical intervention, individuals must be made aware:

- (ii) Appropriate conditions designed to ensure that individuals to whom the product is administered **are informed**-
 - (I) **that the Secretary has authorized the emergency use of the product;**
 - (II) **of the significant known and potential benefits and risks of such use**, and of the extent to which such benefits and risks are unknown; and
 - (III) **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.

- (iii) **Appropriate conditions for the monitoring and reporting of adverse events associated with the emergency use of the product.**

This section of federal law explicitly prohibits the mandate of a non-FDA approved, EUA medical product, as they are still considered **experimental**^{3,4} for the purpose intended until full FDA approval is granted. **Voluntary** informed consent is a bedrock of medical ethics.⁵ Removing access to goods, services, employment and educational opportunities unless one is vaccinated for COVID-19, as the mayor of New Orleans has endorsed and implemented, is textbook coercion and a human

¹ ready.nola.gov/incident/coronavirus/safe-reopening/?fbclid=IwAR12qAKJmiIJXyvf6Mgl2QwRjPKb6Chgx_NRjI83CRpqnMVgX37-pzGMM

² https://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-prelim-title21-section360bbb-3&num=0&saved=%7CZ3JhbnVsZWlkOIVTOy1wc_mVsaW0tdGl0bGUyMS1zZWNoaW9uMzYwYmJlLTNh%7C%7C%7C0%7Cfalse%7Cprelim

³ fda.gov/drugs/types-applications/investigational-new-drug-ind-application

⁴ newlouisiana.org/purveyors-of-misinformation-louisiana-department-of-health/

⁵ history.nih.gov/display/history/Nuremberg+Code

rights violation. In addition to the COVID-19 vaccinations currently available in the U.S., masks^{6,7} and PCR tests⁸ are also currently issued under EUA.

That this mandate includes children ages five and up is particularly egregious. With the blessing of the Louisiana Department of Health (LDH), New Orleans now requires this vulnerable demographic to become test subjects in a medical experiment just to participate in civil society. The addition of the COVID-19 vaccine for school requirements in New Orleans city schools is shocking considering the legislature cast a bipartisan vote in December of 2021 to prohibit the addition of the vaccine to the required list for school attendance. After Governor John Bel Edwards overruled the vote and added the shot, LDH assured the public they would only be added as full FDA approval was granted for each age group. What happened?

Children in general are not at risk of severe outcome of SARS-CoV-2 infection^{9,10} so requiring an experimental medical intervention of them to prevent the additional spreading of SARS-CoV-2 disease to other persons violates another basic tenet of human rights: children cannot be forced to undergo medical treatment to protect others, *especially* when the treatment offers the child no benefit and has potential for harm.¹¹ Article 3 of the Universal Declaration on Bioethics and Human Rights¹² declares:

“The interests and welfare of the individual should have priority over the sole interest of science or society.”

In addition to federal law and human rights violations, medical mandates, including vaccination, masking and testing, violate Louisianans’ constitutionally and statutorily protected freedom of religion and right to privacy for all ages.

Individuals may have strongly held religious beliefs that prevent the use of these interventions. To force individuals to undergo these medical interventions without acknowledging the right to refuse on grounds of religious objections, is a violation of constitutionally and statutorily protected religious freedom. This inalienable right is so incredibly important that it is safeguarded in three sections of the Louisiana Constitution and also within revised statute:

Article I Section 8 of the Louisiana Constitution states:

§8. Freedom of Religion

Section 8. No law shall be enacted respecting an establishment of religion or *prohibiting the free exercise thereof*.

The state of Louisiana defines the “exercise of religion” as:

“...the practice or observance of religion under Article 1, Section 8, of the Constitution of Louisiana and the First Amendment of the Constitution of the United States of America and includes the ability to act or refuse to act in a manner substantially motivated by a sincerely-held religious belief, whether or not the exercise is compulsory or a central part or central requirement of the person's religious belief.”

Article I Sections 3 and 12 (*below*) not only prohibit discrimination of religious ideas and religion, but also prohibit discrimination based on one’s physical condition. An individual's immune status, much like their age or race, can only be described as a characteristic of their physical condition. Additionally, the physical conditions that prohibit the use of these

⁶ [fda.gov/media/137121/download](https://www.fda.gov/media/137121/download)

⁷ [fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/personal-protective-equipment-euas](https://www.fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/personal-protective-equipment-euas)

⁸ [fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/in-vitro-diagnostics-euas-molecular-diagnostic-tests-sars-cov-2](https://www.fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/in-vitro-diagnostics-euas-molecular-diagnostic-tests-sars-cov-2)

⁹ [brownstone.org/articles/75-studies-and-articles-against-covid-19-school-closures/](https://www.brownstone.org/articles/75-studies-and-articles-against-covid-19-school-closures/)

¹⁰ [brownstone.org/articles/hurting-children-to-protect-them/](https://www.brownstone.org/articles/hurting-children-to-protect-them/)

¹¹ [vinayprasadmdmph.substack.com/p/uk-now-reports-myocarditis-stratified?s=09](https://www.vinayprasadmdmph.substack.com/p/uk-now-reports-myocarditis-stratified?s=09)

¹² portal.unesco.org/en/cv.php-URL_ID=31058&URL_DO=DO_TOPIC&URL_SECTION=201.html

medical interventions, i.e. allergy, prior vaccine injury, pre existing natural immunity, etc., are being blatantly ignored despite clear contraindications, including Americans with Disability Act (ADA) and Individuals with Disabilities Education Act (IDEA) protections.

Article I Section 3 of the Louisiana Constitution states:

§3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or *religious ideas*, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, *physical condition*, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime.

Article I Section 12 of the Louisiana Constitution states:

§12. Freedom from Discrimination

Section 12. In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on race, *religion*, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or *physical condition*.

Prohibition of discrimination in access to public areas is further affirmed in statute regarding Use Of Buildings³ which states:

RS 49 §146. Facilities to which public invited; discrimination

A.(1) In access to public areas, public accommodations, and public facilities, every person shall be free from discrimination based on race, *religion*, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical or mental disability.

(2) For purposes of this Section, a public facility is defined as any publicly or privately owned property to which the general public has access as invitees and *shall include such facilities open to the public as hotels, motels, restaurants, cafes, barrooms, and places of entertainment or recreation but shall not include any private club*.

La. R.S. 29:736(D)¹⁴ specifies that these inalienable rights are not diminished during a public health emergency:

RS 29 §736. Exclusion

D. Nothing in this Chapter shall be interpreted to diminish the rights guaranteed to all persons under the Declaration of Rights of the Louisiana Constitution or the Bill of Rights of the United States Constitution.

The Preservation of Religious Freedom Act⁵ states:

RS 13 §5233. Free exercise of religion protected

Government shall not substantially burden a person's exercise of religion, even if the burden results from a facially neutral rule or a rule of general applicability, unless it demonstrates that application of the burden to the person is both:

- (1) In furtherance of a compelling governmental interest.
- (2) The least restrictive means of furthering that compelling governmental interest.

Mandating a medical intervention that violates the strongly held religious beliefs of a Louisiana citizen, thereby removing access to *goods and services*, is a violation of constitutionally protected freedom of religion and is recognized in statute as a human rights violation.

The Louisiana Commission on Human Rights¹⁶ states:

RS 51 §2247. Public accommodations, resorts, amusements; discriminatory practices prohibited

Except as otherwise provided in this Chapter, it is a discriminatory practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of

¹³ legis.la.gov/Legis/Law.aspx?d=103516

¹⁴ legis.la.gov/Legis/Law.aspx?d=85685

¹⁵ legis.la.gov/Legis/Law.aspx?d=725125

¹⁶ legis.la.gov/legis/Law.aspx?p=y&d=104291

public accommodation, resort, or amusement, as defined in this Chapter, on the grounds of race, creed, color, **religion**, sex, age, disability, as defined in R.S. 51:2232, or national origin.

Mandating a medical intervention that violates the strongly held religious beliefs of a Louisiana citizen, thereby removing access to **employment**, is a violation of constitutionally protected freedom of religion and is a prohibited discrimination in the workplace.

Prohibited Discrimination in Employment¹⁷ states:

RS 23 §332. Intentional discrimination in employment

A. It shall be unlawful discrimination in employment for an employer to engage in any of the following practices:

(1) Intentionally fail or refuse to hire or to discharge any individual, or otherwise to intentionally discriminate against any individual with respect to compensation, or terms, conditions, or privileges of employment, because of the individual's race, color, **religion**, sex, or national origin.

(2) Intentionally limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the individual's status as an employee, because of the individual's race, color, **religion**, sex, or national origin.

RS 38 §2315. Equal opportunity¹⁸

Every person shall be guaranteed equal employment opportunities in the selection of persons for professional services and such selection of persons for professional services and such selection shall not discriminate against any person because of race, **religion**, national ancestry, age, sex, or **physical condition**. If any person or persons violates the provisions of this section, they shall be subject to the same penalties as provided in R.S. 38:2314(A).

Mandating a medical intervention violates constitutionally and statutorily protected **right to privacy**.

Article I Section 5 of the Louisiana Constitution affirms an individual's right to privacy:

§5. Right to Privacy

Section 5. **Every person shall be secure in his person**, property, communications, houses, papers, and effects against unreasonable searches, seizures, or **invasions of privacy**. No warrant shall issue without probable cause supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court.

The Louisiana Medical Consent Law states an adult may refuse medical treatment and a parent may act on behalf of their minor child to consent to medical treatment,¹⁹ which would include the right to refuse treatment for their minor child.²⁰

RS 40 §1159.7. Right of adult to refuse treatment as to his own person not abridged

Nothing contained herein shall be construed to abridge any right of a person eighteen years of age or over to refuse to consent to medical or surgical treatment as to his own person.

State law specifically precludes the Expenditure of Public Funds²¹ to any entity that discriminates based on **religion**.

RS 39 §1411. No state assistance for discriminatory programs

No person in the State of Louisiana shall, on the ground of race, color, **religion**, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving state financial assistance.

¹⁷ legis.la.gov/Legis/Law.aspx?d=83879

¹⁸ legis.la.gov/Legis/Law.aspx?d=94999

¹⁹ legis.la.gov/Legis/Law.aspx?p=y&d=964700

²⁰ legis.la.gov/Legis/Law.aspx?d=964703

²¹ legis.la.gov/Legis/Law.aspx?d=95902

In addition, the Louisiana Department of Health is prohibited from dispersing “medical assistance funds,” or Medicaid, to providers that discriminate against individuals based on **creed** or **physical condition**²². Are patients being denied care by Medicaid providers because of their refusal to vaccinate because of their strongly held religious beliefs? Is this happening in New Orleans (or with any healthcare providers in the state)?

RS 46 §437.11. Provider agreements

A. The department shall make payments from medical assistance programs funds for goods, services, or supplies rendered to recipients to any person who has a provider agreement in effect with the department, who is complying with all federal and state laws and rules pertaining to the medical assistance programs, and who agrees that no person shall be subjected to discrimination under the medical assistance programs because of race, **creed**, ethnic origin, sex, age, or **physical condition**.

Mandating a medical intervention, a vaccine, mask, or test, that violates the strongly held religious beliefs of a Louisiana citizen, thereby removing access to **education**, is a violation of constitutionally protected freedom of religion and is a violation of state law.

The Parent’s Bill of Rights for Public Schools²³ states:

RS 17 §406.9. Parents' Bill of Rights for Public Schools

(7) That the school shall not discriminate against their child based upon the sincerely held **religious beliefs** of the child's family.

The Louisiana Legislature recognized the importance of the family when they drafted the preamble to the Louisiana Children’s Code,²⁴ the underlying ethic applied to laws pertaining to children in Louisiana:

Art. 101. Preamble

The people of Louisiana recognize the family as the most fundamental unit of human society; that preserving families is essential to a free society; that the relationship between parent and child is preeminent in establishing and maintaining the well-being of the child; that parents have the responsibility for providing the basic necessities of life as well as love and affection to their children; that parents have the paramount right to raise their children in accordance with their own values and traditions; that parents should make the decisions regarding where and with whom the child shall reside, the educational, moral, ethical, and religious training of the child, **the medical**, psychiatric, surgical, and **preventive health care of the child** and the discipline of the child; that children owe to their parents respect, obedience, and affection; that the role of the state in the family is limited and should only be asserted when there is a serious threat to the family, the parents, or the child; and that extraordinary procedures established by law are meant to be used only when required by necessity, and then with due respect for the rights of the parents, the children, and the institution of the family, and only to the extent that such procedures are not prohibited by the Louisiana Constitution of 1974, as amended.

Determining what is best for children is the sacred right of parents. Mayor Cantrell and the city of New Orleans have usurped that right with coercion and duress. The Nola Public School guidance²⁵ uses coercive language when stating the benefits of vaccination on their website:

“Vaccinated school children do not have to quarantine when they come into close contact with someone at school who has COVID-19. That way they don’t miss important classroom time, and their families don’t have to take off work to watch them at home.”

²² legis.la.gov/Legis/Law.aspx?d=100854

²³ legis.la.gov/Legis/Law.aspx?d=920005

²⁴ legis.la.gov/Legis/Law.aspx?d=72534

²⁵ nolapublicschools.com/vaccinations

As stated by Governor Edwards and State Health Officer Dr. Joseph Kanter on August 2, 2021, vaccinated and unvaccinated people can transmit the virus:

"Based on recent CDC data, **vaccinated people who do get infected have just as much virus in their systems as unvaccinated people**, meaning they can likely spread the virus simply because of the power of the Delta variant." The Governor's top health advisor, Dr. Joseph Kanter, added: "[I]f you are fully vaccinated and do become infected, then you can still relatively transmit the virus" and that "you will have just as much virus in your body as the early days of the pandemic as someone who was unvaccinated."²⁶

Finally, as stated in Article I Section 1 of the Louisiana Constitution:

§1. Origin and Purpose of Government

Section 1. All government, of right, originates with the people, is founded on their will alone, and **is instituted to protect the rights of the individual and for the good of the whole**. Its only legitimate ends are to secure justice for all, preserve peace, **protect the rights**, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.

Quite simply, the illegal and unethical medical mandate issued by the city of New Orleans violates the very purpose of government as defined by the state constitution, as it violates the rights of the individual. "The good of the whole" can only be achieved with the preservation of individual liberty, especially for those who depend on others to advocate for them, our most cherished members of our society—our children. And even though the city and state have been under a perpetual state of emergency, the Louisiana Homeland Security and Emergency Assistance and Disaster Act²⁷ acknowledges that our rights are not diminished under a declared public emergency:

RS 29 §736. Exclusion

D. Nothing in this Chapter shall be interpreted to diminish the rights guaranteed to all persons under the Declaration of Rights of the Louisiana Constitution or the Bill of Rights of the United States Constitution. This Chapter shall not violate Article II (Distribution of Powers), Article III (Legislative Branch), or Article V (Judicial Branch) of the Louisiana Constitution.

In fact, the Louisiana Public Health Emergency Powers Act under RS 29:764.A(2)(h)²⁸ requires that provisions be made "permitting persons for reasons of health, *religion*, or *conscience* to refuse medical examination or testing, vaccination, or *medical treatment* . . ."

We encourage you to acknowledge these serious concerns as a legislative body, use the means necessary to intervene and put a stop to Mayor Cantrell's illegal actions, and commit to thwarting any future harm from coercive and discriminatory policies to the citizens of Louisiana. The illegal and unethical medical mandates imposed by the city of New Orleans, with the blessing of the Louisiana Department of Public Health, need to be halted immediately.

Sincerely,
Jill Hines and Fiorella Trapani
Co-Directors
Health Freedom Louisiana

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²⁶ [youtube.com/watch?v=UzxWZ8qe0oU](https://www.youtube.com/watch?v=UzxWZ8qe0oU)

²⁷ legis.la.gov/Legis/Law.aspx?d=85685

²⁸ legis.la.gov/Legis/Law.aspx?d=207680

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