

Robert F. Kennedy, Jr.: COVID Vaccine Mandate Violates Federal Law

By [Children's Health Defense](#)

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The announcement last week by Rutgers University that it would require all students to get the COVID vaccine prompted CHD Chairman Robert F. Kennedy, Jr., to remind university officials that federal law prohibits mandating Emergency Use Authorization vaccines.

Rutgers University last week [announced](#) it will require all students enrolled for the 2021 fall semester to be vaccinated for [COVID-19](#).

The announcement prompted [Children's Health Defense](#) (CHD) Chairman Robert F. Kennedy, Jr. to remind university officials that federal law prohibits mandating products approved under the U.S. Food and Drug Administration's [Emergency Use Authorization](#) (EUA).

In a [letter](#) to Rutgers President Jonathan Holloway, Kennedy, who also serves as chief legal counsel for CHD, wrote:

“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](#), Kennedy wrote.

“Under the [Nuremberg Code](#), no one may be coerced to participate in a medical experiment. Consent of the individual is ‘absolutely essential,’” Kennedy wrote.

Kennedy said forced participation in a medical experiment could result in injury.

Dr. Hooman Noorchashm, who also spoke out against Rutgers' policy, agreed. Specifically, he said, students should be pre-screened for COVID infection before vaccination.

In an [open letter to Rutgers](#), Noorchashm, a surgeon and patient safety advocate, wrote:

“While I fully agree with your policy of maximal immunity for all students and faculty attending in-person on the Rutgers campuses, you must also remain 100% cognizant of a potential danger of indiscriminate vaccination to some of your students. This potential danger is not only a safety risk, it would also pose a risk of liability to your university.”

Noorchashm has been an outspoken critic of indiscriminate mass vaccination because he believes people already or currently infected with COVID are at risk of severe injury, including death.

As he told [The Defender](#) last week, viral antigens persist in the tissues of the naturally infected for months. According to Noorchashm, when the vaccine is used too early after a natural infection, or worse during an active infection, the vaccine force activates a powerful immune response that attacks the tissues where the natural viral antigens are persisting.

“This, I suggest, is the cause of the high level of [adverse events](#) and, likely deaths, we are seeing in the recently infected following vaccination,” Noorchashm said.

Holloway last week [told The New York Times](#) the vaccine mandate will apply to Rutgers’ three main campuses and that students will have to show “proof of vaccination” before moving into a dorm or attending in-person classes. Students will be able to file for medical or religious exemptions, and those attending online or off-campus programs will also be exempt.

[NBC News](#) last week reached out to several universities and colleges, which said they would encourage students to get the vaccine, but hadn’t yet decided on mandates.

Lynn Pasquerella, president of the Association of American Colleges and Universities, told NBC:

“I’m just starting to hear discussion about mandating vaccines, and everyone I’ve talked to has said that they are leaning in the direction of mandating vaccines not just with the students, but with faculty and staff, as well.”

According to CHD President Mary Holland, [federal law prohibits](#) employers from mandating EUA vaccines.

In December 2020, CHD published “Vaccine Mandates: An Erosion of Civil Rights?” The [downloadable e-book](#) examines the history and consequences of vaccine mandates, and what you can do to protect yourself and your family members as public officials ramp up the pressure for COVID vaccines.

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