

NEW MEXICO



STANDS UP!

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Transmitted by email to: NMSU Chancellor Dan Arvizu
C/O General Counsel Roy Collins III (collins0@nmsu.edu)

RE: NOTICE TO CEASE AND DESIST NMSU STUDENT VACCINE MANDATE

This letter serves as a formal notice to immediately cease and desist the vaccine mandate for all New Mexico State University (NMSU) students. Be advised that the undersigned counsel is prepared to pursue legal action against this mandate as a condition for students to attend NMSU. This mandate is in direct violation of State and Federal law. This letter is written in representation of numerous NMSU students and parents.

This letter is designed to inform you of the law and the related scientific facts and their application to civil liberties, rights and your potential liabilities in mandating COVID-19 vaccines.

I. VACCINE MANDATES AND LEGAL CHALLENGES

NMSU's new vaccine mandate for students comes at a time when such mandates are dropping in many places around the country including universities in Virginia¹, Ohio², Nevada³, Tennessee⁴, and Hawaii⁵. Multiple lawsuits have been filed against such mandates at universities around the country. Vaccine mandates have also been dropped by many companies⁶ and in many

¹ <https://www.cnn.com/2022/01/31/politics/virginia-universities-covid-vaccine-mandates/index.html>

² https://www.sent-trib.com/news/bgsu-drops-coronavirus-vaccine-mandate/article_66a67bdc-cd52-11ec-9672-47abddbcb80.html

³ <https://thisisreno.com/2021/12/unr-tmcc-forced-to-drop-vaccine-mandate-for-students/>

⁴ <https://chancellor.utk.edu/2021/12/01/changes-to-mask-and-vaccine-requirements/>

⁵ <https://spectrumlocalnews.com/hi/hawaii/education/2022/03/23/university-of-hawaii-ends-its-covid-19-vaccine-mandate>

⁶ <https://news.bloomberglaw.com/daily-labor-report/as-companies-end-vaccine-mandates-workers-are-becoming-enraged>

municipalities⁷. Enforcement of the vaccine mandate for Federal workers has been on-hold for months since the legality of the mandate was challenged in multiple lawsuits.

II. COLLEGE STUDENTS HAVE VERY LOW RISK FROM COVID-19 ILLNESS AND COVID-19 VACCINATIONS DO NOT PREVENT SPREAD OF THE ILLNESS

COVID-19 is well-acknowledged to be low risk⁸ for children and young adults. Compared to previous variants, the recent Omicron variant is less severe, resulting in lower rates⁹ of hospitalization and death than previous variants. It is also known that vaccine effectiveness is lower¹⁰ for Omicron than previous variants, and there has been a sharp uptick¹¹ in COVID-19 cases in vaccinated people. It has been well known (and acknowledged¹² by the CDC) for many months that COVID-19 vaccines do not prevent the spread¹³ of the illness.

III. COVID-19 VACCINES INCREASE RISKS OF HEART AND BLOOD PROBLEMS AND HAVE UNKNOWN LONG-TERM RISKS

It is unethical to deny students access to education because of their COVID19 vaccination status. Given that the clinical trials for COVID-19 vaccines are ongoing, these vaccines are still considered to be experimental. This is true for all COVID-19 vaccines being used in the USA, including the recently “approved” Pfizer BioNTech vaccine (now known as Comirnaty) and Moderna vaccine (now known as SpikeVax).

Multiple risks of COVID-19 vaccines have been acknowledged by the CDC. According to the CDC Fact Sheets, the Pfizer¹⁴ and Moderna¹⁵ COVID-19 vaccines lead to increased rates of heart inflammation, especially in young people. The J&J vaccine¹⁶ increases the risk of blood clots, immune thrombocytopenia (an autoimmune bleeding disorder where the person’s body is attacking the blood platelets) and Guillain Barre syndrome (an autoimmune disease where the immune system attacks the body’s nerve cells, which can result in extreme muscle weakness and paralysis).

As of May 27, 2022, over 1,287,000 adverse reactions¹⁷ and over 28,000 deaths¹⁸ following COVID-19 vaccination have been reported to the CDC’s Vaccine Adverse Events Reporting

⁷ <https://www.cnet.com/health/vaccine-mandates-cities-lift-requirements-as-covid-cases-drop/>

⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7946566/>

⁹ [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(22\)00462-7/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(22)00462-7/fulltext)

¹⁰ [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(22\)00462-7/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(22)00462-7/fulltext)

¹¹ <https://www.governing.com/now/new-mexico-removes-covid-breakthrough-case-data-from-reports>

¹² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8367314/>

¹³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8554481/>

¹⁴ <https://www.fda.gov/media/153716/download>

¹⁵ <https://www.modernatx.com/covid19vaccine-eua/eua-fact-sheet-recipients.pdf>

¹⁶ <https://www.fda.gov/media/146305/download>

¹⁷ <https://medalerts.org/vaersdb/findfield.php?TABLE=ON&GROUP1=AGE&EVENTS=ON&VAX=COVID19>

¹⁸ <https://medalerts.org/vaersdb/findfield.php?TABLE=ON&GROUP1=AGE&EVENTS=ON&VAX=COVID19&DIED=Yes>

System (VAERS). Adverse vaccine reactions are greatly underreported, and it is estimated¹⁹ that only 1-10% of these reactions are actually reported to the VAERS. Vaccine development typically takes 5-10 years, and as such there have been no long-term tests on COVID-19 vaccines. For instance, the clinical trial for the Pfizer COVID-19 vaccine is ongoing²⁰ until 2024.

It was originally assumed that the vaccine components would stay near the injection site. However, there is now evidence that the vaccine actually circulates throughout the body and ends up concentrating²¹ in the adrenal glands, bone marrow, and ovaries. The effects of this are unknown. Effects on fertility are of particular concern for young people, yet the clinical trials for pregnant women have also not yet been completed and long-term effects are unknown.

IV. VIOLATION OF STATE AND FEDERAL LAW

New Mexico Stands Up! is prepared to pursue legal action against New Mexico State University if it continues to mandate COVID19 vaccines for students. This illegal mandate exposes students to compulsory risk and directly violates Federal and State law. All students have fundamental rights to education and bodily autonomy, and these rights are being infringed upon by NMSU's vaccine mandate.

The New Mexico Civil Rights Act NMS § 41-4A-1 provides protection against deprivation of rights or privileges by institutions of higher education. Furthermore, the discharge or suspension of a student for refusing to take the COVID-19 vaccine is a violation of that person's right to life and liberty under the 14th Amendment and a violation of the right to bodily integrity which has been held to emanate from various Bill of Rights amendments, including the 4th, 5th, and 9th amendments of the US Constitution.

We demand that you immediately cease and desist from requiring students to receive COVID-19 vaccination as a condition of attending NMSU. You are hereby on notice that if NMSU continues to mandate COVID-19 vaccines for students, New Mexico Stands Up! may have no choice but to take legal action.

Sincerely,

NM Stands Up!

/s/ Jonathan Diener
Jonathan Diener, Attorney

Cc: Associate General Counsel Scott Field (psfield@nmsu.edu), Assistant General Counsel Maria Ortiz (marortiz@nmsu.edu)

¹⁹ <https://digital.ahrq.gov/sites/default/files/docs/publication/r18hs017045-lazarus-final-report-2011.pdf>

²⁰ <https://clinicaltrials.gov/ct2/show/NCT04368728>

²¹ <https://www.docdroid.net/xq0Z8B0/pfizer-report-japanese-government-pdf#page=16>