

December 8, 2021

To the General Public,

On October 7, 2021, IBM CEO, Arvind Krishna, announced that all U.S. employees must obtain vaccination against the SARS-CoV-2 (COVID-19) virus and comply with all criteria set forth by IBM to be deemed “fully-vaccinated” to retain employment at IBM.¹ The criteria include the disclosure of personal COVID-19 vaccination status and uploading of “vaccine validation²” (a “vaccination card”) to a third-party service.³ If U.S. IBM employees do not wish to be administered a COVID-19 vaccine, they must request a religious and/or medical accommodation.⁴

All non-compliant employees – those who do not upload vaccine validation or do not receive an approved accommodation – will be placed on an unpaid leave of absence. This ultimatum was instituted contrary to Arvind’s reassurances on May 5th that IBM was, “not going to mandate vaccinations.”⁵ The original deadline for compliance was December 8, 2021;¹ on November 16th, non-compliant US IBMers were informed that the deadline was delayed until “mid-January 2022.”⁶

Our Opposition to the Ultimatum

In response, hundreds of concerned IBM employees and those in opposition to this ultimatum formed an action committee. I serve as the point of contact. Throughout November, we formally petitioned Arvind and the highest levels of IBM management for a redress of our grievances:

- **November 1:** We submitted a petition for a redress of grievances (Addendum A), signed by 348 employees, to Arvind.⁷ The signers of this petition include program directors, project managers, IBM leads, software engineers, patent attorneys, finance personnel, help desk staff, and a host of other positions that represent nearly every rank and cross-section of the US IBM Family.
- **November 3:** We were contacted by a senior member of the IBM executive team and spoke with this executive about the intent of the petition. No redress was made.⁸
- **November 4:** We received a formal rejection of the petition from Arvind.⁹
- **November 12:** We followed up with questions (to clarify the specifics of the ultimatum and the ensuing unpaid leave of absence) to the same senior member of the IBM executive team. Still no redress was made.¹⁰
- **November 15:** A shareholder and member of the action committee digitally submitted the petition – with 548 signatures at the time of submission – to the IBM Board of Directors.¹¹ Receipt of this email was acknowledged on December 1st.¹² At this time, no meaningful response has been received.¹³
- **November 18:** The same petition was printed and submitted through mail and was delivered on November 20th.¹⁴ At this time, no response has been received.

The petition currently has over 600 signatures and no redress has been made by IBM: neither Arvind, nor the IBM executive team, nor the IBM board of Directors has substantively addressed our concerns. As IBM employees, we have patiently and judiciously attempted to handle the IBM COVID-19 vaccine ultimatum within the IBM Family, but we believe that all reasonable, internal methods of redress have been exhausted. Therefore, we are seeking a public redress of grievances from IBM regarding the October 7th COVID-19 vaccine ultimatum.

Our Principles

We believe that we are all born with natural, God-given rights, and that foremost among these rights are liberty and personal choice. In accordance with these principles, we — both vaccinated and unvaccinated employees — believe that no one should be coerced into receiving a COVID-19 vaccine or divulging private medical data under the threat of losing his or her job. All citizens who seek to preserve freedom are both honor-bound and duty-bound to oppose such measures using all peaceable means. These principles of liberty and opposition to tyranny are wholly responsible for the exceptional prosperity and blessing the United States, and American companies such as IBM, have experienced over the last three centuries.

Since its founding in 1911, IBM has been unmatched in its consistent innovation and its advancement of technology throughout the world. One value has driven this unrivaled success: the IBM Family. For more than a century, IBM has dedicated itself to respecting its employees and treating them as family. This principle has produced numerous multi-generational employees as well as others who have devoted a majority or the entirety of their professional careers to IBM. The decision to supersede the loyalty to its employees with obedience to federal contract terms contradicts the family value of IBM, creates a significant dissolution within the IBM Family, and sets a dangerous precedent for future federal administrations.

Moreover, this ultimatum contradicts the precepts laid forth in the IBM Diversity & Inclusion (D&I) policy. By cataloging employees based on their COVID-19 vaccination status, IBM has segregated employees into categories and discriminates against one category by requiring employees act against their conscience to maintain their employment. This practice not only repudiates the tenets of D&I, but also drives a wedge within the IBM Family.

As IBMers, we believe that IBM is violating our civil liberties and rights as individuals. By instituting the October 7th COVID-19 vaccine ultimatum, IBM has:

- Disregarded the Natural Rights of its employees to make personal medical decisions, and unethically removed true informed consent of medical treatments by using coercion and duress
- Prioritized federal contracts and revenue over the welfare and liberty of its employees
- Demanded employees disclose personal medical information, such as COVID-19 vaccination status, and justify the rationale for personal medical choices through medical and religious exemptions to maintain employment

- Abdicated its responsibility as one of the largest, most venerable corporations in the United States to: (1) uphold IBM's long-standing Basic Belief of *Respect for the Individual*¹⁵ and the liberties of its employees above an unjust edict of the United States and (2) oppose Executive Order (EO) 14042¹⁶

Our Questions

We understand that IBM was foisted into a difficult situation and had a choice to make: Endanger its federal contracts by challenging EO 14042 or institute an ultimatum requiring employees to perform a medical procedure to maintain employment. Ultimately, IBM made the decision to enact its vaccine ultimatum and is therefore responsible for ownership of the ultimatum and its resulting consequences. To defer blame for the ultimatum to EO 14042, or any other outside influence, abdicates and undermines the leadership entrusted to Arvind, the Board of Directors, and the IBM executive team. As the party responsible for the vaccine ultimatum, we wish for IBM to answer the following questions:

1. **Conflict of Interests:** At the time of writing, only three COVID-19 vaccines have been approved for use in the United States by the Centers for Disease Control and Prevention (CDC): Pfizer-BioNTech, Moderna, and Johnson & Johnson's Janssen.¹⁷ These vaccines are manufactured by Pfizer (PFE), Moderna (MRNA), and Johnson & Johnson (JNJ), respectively – all publicly traded companies. Have all parties involved in the decision-making process for the IBM COVID-19 vaccine ultimatum – including IBM executives, members of the IBM Board of Directors, and other senior personnel – disclosed their financial holdings in these three companies? Have these parties disclosed any conflicts of interest, pecuniary or otherwise? In addition, does the IBM Digital Health Pass¹⁸ constitute a conflict of interest with respect to the enactment and support of a vaccine ultimatum?
2. **Legal Liability:** At the time of writing, the Moderna and Johnson & Johnson Janssen COVID-19 vaccines (and some Pfizer-BioNTech vials) have only been approved by the Food & Drug Administration (FDA) under Emergency Use Authorization (EUA).¹⁹ Will IBM assume the liability for any IBM employees who receive COVID-19 vaccines approved under EUA to maintain employment if the employees suffer injury or death or are otherwise unable to work due to side-effects from their COVID-19 vaccination?
3. **Risk Assessment:** Currently, U.S. IBM employees are responsible for requesting a religious and/or medical accommodation to forgo receiving a COVID-19 vaccine and maintain employment at IBM. In essence, the burden of proof is on IBMers to justify their decision to maintain their employment with IBM. Because IBM is instituting a medically-based mandate, the burden of proof is on IBM to provide the supporting data to justify the decision to mandate the medical procedure. Has IBM conducted a risk assessment of the COVID-19 vaccines prior to instituting the October 7th ultimatum? If such an assessment was made, who was involved in the assessment process? Has IBM provided the data utilized for this risk assessment to its employees in a good-faith effort to provide informed consent?

4. **Natural Immunity:** According to the CDC, there are two types of active immunity against diseases: (1) natural immunity and (2) vaccine-induced immunity.²⁰ The CDC states, “natural immunity is acquired from exposure to the disease organism through infection with the actual disease.”²⁰ Research demonstrates that those who have acquired immunity to COVID-19 through infection have at least as high of a degree of immunity as those who are vaccinated without previous exposure.²¹ Why does IBM not consider natural immunity a suitable alternative to vaccination? Why are those employees who have tested positive for COVID-19, such as with a positive Polymerase Chain Reaction (PCR) test, still required to be vaccinated to maintain employment at IBM?
5. **Stimulus for the Ultimatum:** In his October 7th email, Arvind stated that “President Biden recently issued an executive order [14042] mandating COVID-19 vaccines for federal contractors. As a federal contractor, it is a business imperative for IBM to comply with this mandate. In light of this requirement, the policies of many of our clients and partners, and the easy access to vaccines around the country, we will now require all IBM U.S. employees to be fully vaccinated...in order to work at IBM.”^{1,22} Given this rationale, if an injunction is issued for EO 14042 or if EO 14042 is determined to be unlawful, will IBM remove its COVID-19 vaccination mandate?
6. **Limiting Principle:** IBM claims that it has enacted its ultimatum in response to “an executive order [14042] mandating COVID-19 vaccines for federal contractors”¹ and “the policies of many of our clients and partners.”¹ What limiting principles does IBM use to determine the behavior that clients can dictate that IBM enforces on its employees, including the Federal Government through its contracts? Is there a conceivable dictate, whether from a private or government client, which would be considered untenable such that IBM would overtly object to at the detriment of a contract?

Our Petition for a Redress of Grievances

IBM has failed to uphold the interests of its employees and denied our Natural Rights. In addition, all attempts to internally redress the grievances of its employees have failed. Therefore, we are publicly seeking a redress of grievances. In order to rectify these wrongs, we are asking IBM to immediately:

- Remove all COVID-19 vaccine requirements from its current employees
- Remove all COVID-19 vaccine requirements for those applying for employment with IBM
- Remove all requirements that employees disclose and maintain current COVID-19 vaccination status as a requisite for employment
- Abstain from enacting any punitive or otherwise discriminatory measures that target unvaccinated employees, such as, but not limited to, increasing medical insurance premiums or imposing medical insurance surcharges
- Reinstigate all rights and privileges commensurate with employment at IBM for all employees, regardless of vaccination status

We stand with employees at Google²³, The Vanguard Group²⁴, The Coles Groups²⁵, and numerous others who have likewise petitioned their employers to remove COVID-19 vaccine ultimatums. In recent weeks, opposition by both States and legal organizations have increasingly shown EO 14042 and the Occupational Safety and Health Administration (OSHA) mandate – whose fragile legal premise underpins EO 14042 – to be unlawful:

- *Georgia v. Biden, et al.*,²⁶ which grants injunctive relief against EO 14042 nationwide.
- *Commonwealth of Kentucky, et al., v. Joseph R. Biden*,²⁷ which grants a preliminary injunction for the EO 14042 (the “federal contractor mandate”) for workers in Kentucky, Ohio, and Tennessee.
- *State of Louisiana, et al. v. Xavier Becerra, et al.*,²⁸ which grants a preliminary injunction for the U.S. Centers for Medicare and Medicaid Services (CMS) mandate (the “healthcare workers mandate”).
- *BST Holdings, L.L.C.; et al. v. Occupational Safety and Health Administration, United States Department of Labor; et al.*,²⁹ which stays the OSHA Emergency Temporary Standard (ETS)³⁰ (the “OSHA mandate”).
- *The State of Texas v. Joseph R. Biden, et al.*,³¹ which seeks a temporary restraining order and preliminary injunction for EO 14042.
- *State of Florida v. Bill Nelson, et al.*,³² which seeks a preliminary and permanent injunction for EO 14042.
- *US Freedom Flyers v. The United States of America; Joseph R. Biden, Jr; et al.*,³³ which seeks injunctive relief of EO 14042 on behalf of transportation workers.

While others follow increasingly unlawful and untenable ultimatums, IBM has the opportunity to lead the industry. For over 100 years, IBM has been the leader in the advancement of technology, and the removal of its COVID-19 vaccine ultimatum presents IBM with an opportunity to continue its legacy of leadership. As IBMers, we are publicly calling on IBM to uphold the rights and guard the personal and medical liberties of its employees.

In light of the approaching compliance deadline, we request that IBM answer our questions and redress the grievances contained in this letter without delay.

Sincerely,

Justin Albano
Software Engineer
IBM, United States
On Behalf of Concerned IBM Employees

Addendum A: IBM COVID-19 Vaccine Redress of Grievances Letter

Concerned IBM Employees
Point of Contact: Justin Albano³⁴
IBM, United States

November 1, 2021

Arvind Krishna, CEO
IBM Corporate Headquarters
1 Orchard Rd,
Armonk, NY 10504

Dear Arvind,

On October 7, 2021, IBM announced that effective December 8, 2021, all US IBM employees must obtain vaccination for the COVID-19 virus and comply with all criteria set forth by IBM to be deemed fully vaccinated. After December 8, 2021,³⁵ noncompliance with this ultimatum will result in punitive and discriminatory measures, including an unpaid leave of absence. As IBM employees, we have a right and responsibility to inform IBM of our opposition to this corporate measure.

We believe that we are all born with natural, God-given rights, and that foremost among these rights are liberty and personal choice. In accordance with these principles, we — both vaccinated and unvaccinated employees — believe that no one should be coerced into receiving a COVID-19 vaccine or divulging private medical data under the threat of losing his or her job. All citizens who seek to preserve freedom are not only honor-bound but also duty-bound to oppose such measures using all peaceable means. These principles of liberty and opposition to tyranny are wholly responsible for the exceptional prosperity and blessing the United States, and American companies such as IBM, have experienced over the last three centuries.

Since its founding in 1911, IBM has been unmatched in its consistent innovation and its advancement of technology throughout the world. One value has driven this unrivaled success: The IBM Family. For more than a century, IBM has dedicated itself to respecting its employees and treating them as family. This principle has produced numerous multi-generational employees as well as countless employees who have devoted a majority or the entirety of their professional careers to IBM. The decision to supersede the loyalty to its employees with obedience to federal contract terms contradicts the family value of IBM, creates a significant dissolution within the IBM Family, and sets a dangerous precedent for future federal administrations.

In addition, this ultimatum contradicts the precepts laid forth in the Diversity & Inclusion (D&I) policy. By cataloging employees based on their COVID-19 vaccination status, IBM has segregated its

employees into categories. It has also discriminated against one category by requiring employees act against their conscience to maintain their employment. This practice not only repudiates the tenets of D&I, but also drives a wedge within the IBM Family.

As IBM employees, we believe our civil liberties have been violated and that IBM has violated our rights as individuals. By instituting the October 7th COVID-19 vaccine ultimatum, IBM has:

- Disregarded the Natural Rights of its employees to make personal medical decisions, and unethically removed true informed consent of medical treatments by using coercion and duress
- Prioritized federal contracts and revenue over the welfare and liberty of its employees
- Demanded employees disclose personal medical information, such as COVID-19 vaccination status, and justify the rationale for personal medical choices (through medical and religious exemptions) in order to maintain employment
- Abdicated its responsibility as one of the largest corporations in the United States to: (1) uphold IBM's long-standing Basic Belief of *Respect for the Individual*¹⁵ and liberties of its employees above an unjust edict of the United States and (2) oppose Executive Order 14042

In order to rectify these wrongs, we are asking IBM to immediately:

- Remove all COVID-19 vaccine requirements from its current employees
- Remove all COVID-19 vaccine requirements for those applying for employment with IBM
- Remove all requirements that employees disclose and maintain current COVID-19 vaccination status as a requisite for employment
- Abstain from enacting any punitive and discriminatory measures that target unvaccinated employees, such as, but not limited to, increasing medical insurance premiums or imposing medical insurance surcharges
- Reinstitute all rights and privileges commensurate with employment at IBM for all employees, regardless of vaccination status

We, the undersigned, with a full understanding of our rights and responsibilities as employees of IBM and citizens of the United States, pledge our support for this petition and seek a redress of grievances from IBM.

Sincerely,

Concerned IBM Employees
(Signatures on Following Pages)³⁶

Endnotes

¹ Email entitled *Our IBM U.S. COVID-19 vaccination policy* sent by Arvind Krishna at 9:19 AM ET on October 7, 2021.

² C.f. *Update on IBM U.S. COVID-19 vaccination policy, FAQs on IBM U.S. COVID-19 vaccination policy, Accommodations / Unpaid Leave of Absence:*

Question: What are the current timelines for vaccine validation and when will unpaid leave start if I am not fully vaccinated and have not obtained an approved accommodation?

Answer: Submit your vaccination validation to CLX as soon as possible but no later than December 3, 2021. You will need to wait until 14 days have passed since your final vaccination dose to submit. Accommodation requests should have been submitted by November 8, 2021, to be considered timely; new requests should be submitted as soon as possible. If you are not fully vaccinated and you have not obtained an approved accommodation, you will be placed on an unpaid leave of absence in mid-January 2022.

³ Submission of the vaccine cards must be made to CLX Health TrustAssure. CLX Health is listed as a “contractor of IBM” in the Terms of Service for CLX Health TrustAssure, listed under *Digital COVID-19 Vaccine Card Verification powered by TrustAssure™, Review Terms & Conditions, AUTHORIZATION TO COLLECT COVID-19 VACCINE INFORMATION:*

By uploading or providing a copy of your valid vaccine card and other related necessary personal information, as further described below, (“COVID-19 Information”) to CLX Health LLC (“CLX Health”), a contractor of IBM, you authorize CLX Health to use and disclose your COVID-19 Vaccine Information to IBM (“IBM”) to fulfill IBM’s return to office requirements (“Authorization”). The use and disclosure of your COVID-19 Information will be made in accordance with this Authorization, IBM’s policies and requirements, or as permitted/required by applicable law, which may include disclosure to public health authorities or other similar entities.

⁴ C.f. Endnote 1:

If you need to request an accommodation based on medical or religious reasons, you are strongly encouraged to do so by November 8, 2021. Requests submitted after this date may not be reviewed by December 8, 2021, and could result in you being placed on an unpaid leave of absence and/or losing IBM badge access until it’s been resolved.

⁵ *Office Hours – May 5th*, CEO Communications, IBM Watson Media. This Office Hours – a monthly update and Q&A session hosted by Arvind – was posted at 11:33 AM ET on May 5, 2021. At 9:58, Arvind states, “we are not going to mandate vaccinations, that is to say, you can only be an employee if you have the vaccination.” Arvind’s opinion regarding the effectiveness of previous vaccinations and his “point of view” on vaccinations, which elicits his statement on vaccinations mandates, starts at around 7:25.

⁶ Email entitled *ACTION REQUIRED BY 12/3/21: Your COVID-19 vaccination validation status*, sent at 7:15 PM ET on November 16, 2021, which stated:

We have not yet received a COVID-19 vaccination validation or accommodation request from you. As Arvind shared, all U.S. IBMers must be fully vaccinated and complete the validation process to verify their vaccination status or have an approved medical or religious accommodation. All employees need to complete the process by December 3, 2021, allowing IBM time for final review. If you do not complete this process you will be placed on an unpaid leave of absence in mid-January 2022.

⁷ Submission was made through Arvind Krishna’s executive assistant via an email entitled *Petition for a Redress of Grievances on Behalf of 348 Employees*. The email was delivered at 10:01 AM ET on November 1, 2021, and a return receipt was received at 10:29 AM ET on November 1, 2021.

⁸ I spoke with a senior member of the IBM executive team at 1:00pm ET on November 3, 2021. The conversation lasted about 30 minutes and was primarily focused on two topics: (1) clarifying the intent of the petition and (2) assurance that no employees who signed the petition would be retaliated against within IBM (i.e., IBM has a strict non-retaliation policy).

Point (2) of our discussion originated because I made it known to the IBM executive team that numerous IBM employees did not sign the petition for fear of retribution, whether from IBM or from fellow employees. I was informed by the senior executive team member that IBM would never retaliate against any employee for signing the petition and that IBM has a strict non-retaliation policy. This information was forwarded onto the IBMers who I knew were hesitant to sign the petition and to others who wished to sign the petition. To this day, there are numerous IBMers who have not signed the petition for fear of retribution.

In addition, I was informed by the senior executive team member in no uncertain terms that the ultimatum would not be lifted in response to the petition. While the senior executive team member left the door open to questions, no redress was attempted.

⁹ Email entitled *Re: Petition for a Redress of Grievances on Behalf of 348 Employees* sent by Arvind Krishna at 5:17 AM ET on November 4, 2021, which stated:

I acknowledge the opposition to this decision by those signed onto the petition. This is a difficult situation, and this policy decision was not made lightly.... Each U.S. IBMer has been given a choice to get vaccinated, seek a medical or religious accommodation, or go on unpaid leave.... My hope is that you and others remain active IBMers by getting fully vaccinated or by obtaining approved accommodations.

While Arvind responded to the petition, no specific mention of our grievances was made and no redress, or discussion which could result in a redress, was initiated.

¹⁰ This conversation occurred at 1:30 PM ET on November 12, 2021 with the same senior member of the IBM executive team as the November 3, 2021 meeting. This conversation focused on three main parts: (1) the origin and impetus for the IBM mandate, (2) legal questions about the religious accommodation process, and (3) questions about the nature and length of unpaid leaves of absence.

¹¹ The petition, along with a signature sheet containing 548 signatures, was submitted to the IBM Board of Directors (nonmanagementdirectors@us.ibm.com) at 2:10 PM ET on November 15, 2021. A return receipt for this email was received at 11:19 AM ET on November 19, 2021.

¹² Email entitled *Re: Grievances: Request for the Board of Directors to Redress Grievances Regarding IBM Policy* sent at 2:29 PM ET on December 1, 2021.

¹³ At this time, only a formal acknowledgment of receipt has been received. No redress of the petition, or formal response (such as the one made by Arvind on November 4th, c.f. Endnote 9) has been received.

¹⁴ The petition was mailed through the United States Postal Service (USPS) at 4:42 PM ET on November 18, 2021. This delivery was signed for at 3:47 PM ET on November 20, 2021.

¹⁵ International Business Machines Corporation. (n.d.). *A culture of think*. IBM100 - A Culture of Think. Retrieved December 1, 2021, from https://www.ibm.com/ibm/history/ibm100/us/en/icons/think_culture/.

¹⁶ Biden, J. R. (2021, September 9). *Executive order on ensuring adequate COVID safety protocols for federal contractors*. The White House. Retrieved December 1, 2021, from <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-ensuring-adequate-covid-safety-protocols-for-federal-contractors/>.

See also:

National Archives. (2021, September 14). *Ensuring Adequate COVID Safety Protocols for Federal Contractors*. Federal Registry. Retrieved December 1, 2021, from <https://www.federalregister.gov/documents/2021/09/14/2021-19924/ensuring-adequate-covid-safety-protocols-for-federal-contractors>.

¹⁷ Centers for Disease Control and Prevention. (2021, November 24). *Different COVID-19 Vaccines*. Centers for Disease Control and Prevention. Retrieved December 1, 2021, from <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines.html>. See the *Approved or Authorized Vaccines* section.

¹⁸ International Business Machines Corporation. (n.d.). *Digital Health Pass - Overview*. IBM. Retrieved December 1, 2021, from <https://www.ibm.com/products/digital-health-pass>.

¹⁹ The Comirnaty COVID-19 vaccine has received full-approval by the FDA on August 23, 2021 for persons 12 years and older ([source](#)), but the Moderna COVID-19 vaccine is still only authorized for use under EUA ([source](#)), and likewise, the Janssen COVID-19 vaccine is still only authorized for use under EUA ([source](#)).

In addition, there is controversy as to whether the full-approval of Comirnaty means that Pfizer-BioNTech can be administered interchangeably with Comirnaty and not fall under an EUA. For example, does the full-approval of Comirnaty mean that Pfizer-BioNTech is also fully-approved (no longer administered under an EUA)? [Doe et al. v. Austin](#). (Case No. 3:21-cv-1211-AW-HTC) specifically addresses this legal question:

For starters, FDA licensure does not retroactively apply to vials shipped before [Biologics License Applications (BLA)] approval.... as a legal matter, vaccines sent before August 23—and vaccines produced after August 23 in unapproved facilities—remain “product[s] authorized for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act.”

Therefore, based on this ruling, not all vials of Pfizer-BioNTech are considered fully-approved – although some can be. Thus, it is possible to administer a vial of Pfizer-BioNTech under the EUA, even when applied to fully-approved categories of people. For example, even though the first regime (dose 1 and 2) of Comirnaty is approved for use in an 18-year-old, it is possible that the administering of a Pfizer-BioNTech vial to an 18-year-old is covered under EUA approval, rather than BLA approval, if the Pfizer-BioNTech vial was sent prior to August 23, 2021 or if it was produced after August 23, 2021 in a non-BLA-approved facility. In general, this ruling confers that Pfizer-BioNTech and Comirnaty are not strictly interchangeable in the legal sense in all cases.

²⁰ Centers for Disease Control and Prevention. (2021, September 24). *Types of Immunity to a Disease*. Centers for Disease Control and Prevention. Retrieved December 1, 2021, from <https://www.cdc.gov/vaccines/vac-gen/immunity-types.htm>.

²¹ See the following sources:

- Block, J. (2021). Vaccinating people who have had covid-19: Why doesn't natural immunity count in the US? *British Medical Journal (BMJ)*. <https://doi.org/10.1136/bmj.n2272>.
- Alexander, P. E. (2021, October 17). *140 Research Studies Affirm Naturally Acquired Immunity to Covid-19: Documented, Linked, and Quoted*. Brownstone Institute. Retrieved December 7, 2021, from <https://brownstone.org/articles/79-research-studies-affirm-naturally-acquired-immunity-to-covid-19-documented-linked-and-quoted/>.
- Gazit, Sivan Gazit, et al. (2021). Comparing SARS-CoV-2 natural immunity to vaccine-induced immunity: reinfections versus breakthrough infections. *medRxiv*. <https://www.medrxiv.org/content/10.1101/2021.08.24.21262415v1.full.pdf>. Also known as the “Israeli Study.”
- Abu-Raddad, L. J. (2021) Severity of SARS-CoV-2 Reinfections as Compared with Primary Infections. *The New England Journal of Medicine*. <https://www.nejm.org/doi/full/10.1056/NEJMc2108120>.

²² This statement has been quoted in its entirety, with the exception of the deadline for compliance, which has been replaced with an ellipsis. When the email was sent on October 7th, the deadline for compliance was stated as “December 8, 2021,” but this deadline has now been revised to “mid-January 2022.” See Endnote 6.

²³ Elias, J. (2021, November 24). *Several hundred google employees sign manifesto against widened covid vaccine mandate*. CNBC. Retrieved December 1, 2021, from <https://www.cnbc.com/2021/11/23/google-employees-sign-manifesto-against-widened-vaccine-mandate.html>.

²⁴ Lynn, C. (2021, November 23). *Exclusive: Over 500 vanguard employees stand together for medical freedom against covid mandates*. Corey's Digs. Retrieved December 1, 2021, from

<https://www.coreysdigs.com/health-science/exclusive-over-500-vanguard-employees-stand-together-for-medical-freedom-against-covid-mandates/>.

²⁵ *Open letter to Coles Group Limited: VAX mandate for employees*. Solari Report. (2021, November 8). Retrieved December 1, 2021, from <https://home.solari.com/open-letter-to-coles-group-limited-vax-mandate-for-employees/>.

²⁶ *Georgia v. Biden, et al., Bloomberg Law* (The United States District Court for the Southern District of Georgia Augusta Division December 7, 2021). Retrieved December 7, 2021, <https://aboutblaw.com/OLV>.

²⁷ *Commonwealth of Kentucky, et al., v. Joseph R. Biden, Government Executive* (United States District Court Eastern District of Kentucky Central Division Frankfort November 30, 2021). Retrieved December 1, 2021, from https://cdn.govexec.com/media/gbc/docs/pdfs_edit/120121cb1.pdf.

²⁸ *State of Louisiana et al. v. Xavier Becerra et al., Court Listener* (United States District Court Western District of Louisiana Monroe Division November 30, 2021). Retrieved December 1, 2021, from <https://storage.courtlistener.com/recap/gov.uscourts.lawd.185837/gov.uscourts.lawd.185837.28.0.pdf>.

²⁹ *BST Holdings, L.L.C.; et al. v. Occupational Safety and Health Administration, United States Department of Labor; et al., United States Court of Appeals for the Fifth Circuit* (United States Court of Appeals for the Fifth Circuit November 12, 2021). Retrieved December 1, 2021, from <https://www.ca5.uscourts.gov/opinions/pub/21/21-60845-CV0.pdf>.

³⁰ *Occupational Safety and Health Administration*. (2021, December 1). *COVID-19 Vaccination and Testing ETS*. Retrieved December 1, 2021, from <https://www.osha.gov/coronavirus/ets2>.

³¹ *The State of Texas v. Joseph R. Biden, in his official capacity as President of the United States, et al., Ken Paxton, Attorney General of Texas* (United States District Court Southern District of Texas Galveston Division November 15, 2021). Retrieved December 1, 2021, from <https://www.texasattorneygeneral.gov/sites/default/files/global/images/Vaccine%20Mandate%20TRO.pdf>.

³² *State of Florida v. Bill Nelson, in his official capacity as administrator of the National Aeronautics and Space Administration, et al., The State of Florida* (United States District Court Middle District of Florida Tampa Division October 28, 2021). Retrieved on December 1, 2021, from <https://www.flgov.com/wp-content/uploads/2021/10/047123627394.pdf>.

³³ *US Freedom Flyers, an unincorporated membership association v. The United States of America; Joseph R. Biden, Jr., in his official capacity as President of the United States; et al., US Freedom Flyers* (United States District Court Middle District of Florida Tampa Division November 22, 2021). Retrieved on December 1, 2021, from <https://www.usfreedomflyers.org/wp-content/uploads/2021/11/USFF-Lawsuit.pdf>.

³⁴ Original petition included the email of the point of contact, which has been replaced with the name of the point of contact.

³⁵ This deadline has since changed to “mid-January 2022.” See Endnote 6. In addition, the EO number, 14042, has been included for clarity and context.

³⁶ The signatories of the original petition have been omitted for their privacy and safety.