

NEW MEXICO



STANDS UP!

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Transmitted by email only to:

- NM Governor Michelle Lujan Grisham (NMIQGovIMA@state.nm.us)
- Dr. Tracie Collins, NM Secretary of Health, NM Department of Health (traciec.collins@state.nm.us)
- Dr. Ryan Stewart, NM Secretary of Education, NM Public Education Department (ryan.stewart@state.nm.us)
- Sally Marquez, Executive Director of NM Activities Association (sally@nmact.org)
- Sue Cleveland, Rio Rancho Public School Superintendent (superintendent@rrps.net)

RE: NOTICE TO CEASE AND DESIST SCHOOL AND ATHLETICS MASK MANDATES

This letter serves as a formal notice to cease and desist all school and athletics mask mandates immediately. Be advised that the undersigned counsel is prepared to pursue legal action against these mandates, which are in violation of Federal law. We are writing this letter on behalf of numerous parents and students throughout the State of New Mexico.

I. THREAT OF IMMINENT HARM

Your mask mandates requiring school children to wear masks in school and especially during athletics are putting New Mexico children at threat of imminent harm. New Mexico children are suffering blackouts, vomiting, breathing problems, dizziness, disorientation, nosebleeds, learning problems, and other health problems as a result of your mask mandates.

This corroborates the findings of a German study of 25,930 schoolchildren,¹ which reported that 68% of children had negative health impacts from wearing masks, including:

- Headache (53%)
- Dizziness (26.4%)
- Shortness of breath (29.7%)
- Difficulty concentrations (50%)
- Nausea (16.6%)
- Tachycardia (rapid heart rate) (5.6%)
- Impaired learning (38%)
- Fainting (2.2%)
- Vomiting (1.9%)

Multiple New Mexico children have suffered blackouts as a result of mask wearing, especially during athletics. For instance, one New Mexico child who was required to wear a mask during athletics blacked out during a competition; when he regained consciousness, the child vomited, was disoriented, and not able to support his own weight for over 20 minutes.

In recent news coverage of a Rio Rancho student who collapsed while running masked (at a statewide track-meet)², it was reported that blood tests showed the child's carbon dioxide levels to be elevated and his oxygen levels were reduced. At the same track meet, a female student track runner also collapsed. Sally Marquez was apparently present near the finish line and witnessed both of these students' collapse due to mask wearing while engaging in strenuous cardiovascular events.

This experience corroborates the expert opinion of Dr. Margareta Griesz-Brisson MD, PhD who is a Consultant Neurologist and Neurophysiologist with a PhD in Pharmacology³. According to Dr. Griesz Brisson, "The reinhalation of our exhaled air will without a doubt create oxygen deficiency and a flooding of carbon dioxide. We know that the human brain is very sensitive to oxygen deprivation... Oxygen deficiency inhibits the development of the brain, and the damage

¹ "Corona child studies "Co-Ki": first results of a Germany-wide register on mouth and nose covering (mask) in children," Schwarz Silke, et al., *Pediatrics Monthly*, February 2021, <https://pubmed.ncbi.nlm.nih.gov/33642617/>

² "Rio Rancho runner collapses during masked cross country competition," KRQE Albuquerque, April 2021. <https://www.krqe.com/sports/local-sports/rio-rancho-runner-collapses-during-masked-cross-country-competition/>

³ "German Neurologist Warns Against Wearing Facemasks: 'Oxygen Deprivation Causes Permanent Neurological Damage,'" Griesz-Brisson, Margareta, Sign of the Times, October 2020. <https://www.sott.net/article/442455-German-Neurologist-Warns-Against-Wearing-Facemasks-Oxygen-Deprivation-Causes-Permanent-Neurological-Damage>

that has taken place as a result cannot be reversed... Consciously and purposely induced oxygen deficiency is an absolutely deliberate health hazard, and an absolute medical contraindication.”

Furthermore, multiple studies have shown that mask wearing negatively impacts health. A review of 44 studies and 65 publications (that was published in the April 2021 *International Journal of Environmental Research and Public Health*) concluded that “mask-related changes in respiratory physiology can have an adverse effect on the wearer’s blood gases sub-clinically and in some cases also clinically manifest and, therefore, have a negative effect on the basis of all aerobic life, external and internal respiration, with an influence on a wide variety of organ systems and metabolic processes with physical, psychological and social consequences for the individual human being.” The specific negative effects from mask-wearing included increase in blood carbon dioxide, decrease in blood oxygen saturation, increase in heart rate, increase in blood pressure, shortness of breath and difficulty breathing, headache, dizziness, exhaustion, and skin lesions.⁴

II. MASK MANDATES ARE UNNECESSARY AND INEFFECTIVE

School districts around the world and in USA states such as Florida, Texas, South Dakota, and Idaho have demonstrated that mask mandates are not required for safe operation of schools or athletics.^{5,6} Both outdoor transmission and asymptomatic transmission are known to be very rare. Your mask mandates are thus not necessary nor are they effective for containing the spread of COVID-19 in schools and athletics.

Nationally, children have a 99.997% survival rate from COVID-19. In New Mexico, only 0.7% of child COVID-19 cases have resulted in hospitalization. It is clear that children have an extremely low risk of severe illness or death from COVID-19. There is no scientific basis to continue requiring any children or teachers to wear masks in NM schools or athletics.

⁴ “Is a Mask That Covers the Mouth and Nose Free from Undesirable Side Effects in Everyday Use and Free of Potential Hazards?” Kisielinski et al., *International Journal of Environmental Research and Public Health*, April 2021, <https://www.mdpi.com/1660-4601/18/8/4344/htm>

⁵ “‘Our Kids Have Thrived’: Rural Peaster ISD Never Required Masks Or Distancing And Most Students Are On Track Academically,” DFW CBS Local, March 2021, <https://dfw.cbslocal.com/2021/03/08/rural-peaster-isd-texas-masks-distancing-students-academically/>

⁶ “Open Schools, Covid-19, and Child and Teacher Morbidity in Sweden,” Ludvigsson J et al., *New England Journal of Medicine*, February 2021, <https://www.nejm.org/doi/full/10.1056/NEJMc2026670>

III. MASKS PROMOTE THE GROWTH OF DANGEROUS MICROORGANISMS

NM's school mask mandate, which includes the requirement for children to wear masks during outdoor exercise and sports, specifically goes against World Health Organization guidance, which states, "People should NOT wear masks when exercising, as masks may reduce the ability to breathe comfortably. Sweat can make the mask become wet more quickly which makes it difficult to breathe and promotes the growth of microorganisms."⁷

In a recent analysis by a University of Florida lab, testing of facemasks worn by schoolchildren identified 11 dangerous pathogens on the coverings, including bacteria that cause diphtheria, pneumonia and meningitis.⁸

IV. MASK REQUIREMENTS MUST NOT BE TIED TO COVID-19 VACCINATION STATUS

The Governor's recent change to allow vaccinated athletes to be unmasked is not enough; all students must be allowed to unmask, regardless of their vaccination status.

The World Health Organization has recently changed its policy to remove recommendations for administering experimental COVID-19 vaccinations for all children 12 and older.⁹ As of June 24, 2021, the WHO website says, "More evidence is needed on the use of the different COVID-19 vaccines in children to be able to make general recommendations on vaccinating children against COVID-19."

Furthermore, the CDC has acknowledged that they are seeing increased rates of heart inflammation in young people who take the shot. The CDC website says, "As of June 21, 2021, VAERS has received 616 reports of myocarditis or pericarditis among people ages 30 and younger who received COVID-19 vaccine. Most cases have been reported after mRNA COVID-19 vaccination (Pfizer-BioNTech or Moderna), particularly in male adolescents and young adults."¹⁰

⁷ World Health Organization, accessed June 2, 2021, <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters#exercising>

⁸ "Dangerous pathogens found on children's face masks," Rational Ground, June 2021. <https://rationalground.com/dangerous-pathogens-found-on-childrens-face-masks/>

⁹ "COVID-19 Advice for the Public: Getting Vaccinated," World Health Organization, accessed June 24 2021, <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/covid-19-vaccines/advice>

¹⁰ "COVID-19 Reported Adverse Events," Centers for Disease Control and Prevention, accessed June 24, 2021, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/adverse-events.html>

V. VIOLATION OF FEDERAL LAW

New Mexico Stands Up! is prepared to pursue legal action against any organizations, schools, or government agencies who continue to mandate masks for children. Masks, like the PCR tests and the COVID-19 injections, have not gone through full Food and Drug Administration (FDA) approval processes. They are approved for Emergency Use only.¹¹

According to FDA 21 U.S. Code § 360bbb-3 “*Authorization for medical products for use in emergencies,*” medical products (including face masks) which have been granted Emergency Use Authorization ***may not be mandated.***¹² This provision specifically requires that the recipient be informed of the right to accept or refuse the medical product. Thus, your order mandating face masks violates Federal law.

These mandates expose children to compulsory risk and have already been demonstrated to cause direct harm. Organizations, schools, and government officials who impose mask mandates can be held personally liable for any injuries or damages that occur as a result of these policies, which directly violate Federal law. This practice must cease or we will take court action to stop it. Dozens of New Mexico parents and teachers are prepared to serve as plaintiffs in this lawsuit.

We demand that you immediately cease and desist from requiring students (and especially athletes) to be masked before the track meet this Saturday. If not, we will seek to hold you each personally liable for any injuries or death that occur to any student as a result of this unnecessary and harmful policy.

Sincerely,

/s/ N. Ana Garner

N. Ana Garner
Lead Attorney for NM Stands Up

¹¹ “Personal Protective Equipment EUAs,” Food and Drug Administration, accessed June 24, 2021, <https://www.fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/personal-protective-equipment-euas#surgicalmasks>

¹² “21 U.S. Code § 360bbb-3 - Authorization for medical products for use in emergencies,” Legal Information Institute of Cornell Law School, accessed June 24, 2021. <https://www.law.cornell.edu/uscode/text/21/360bbb-3>