



Written by [Veronika Kyrylenko](#) on September 14, 2021

Christian Medical Professionals Sue New York Over Vaccine Mandate That Allows No Religious Opt-out

Seventeen medical health professionals have filed a complaint in the United States District Court for the Northern District of New York to halt enforcement of the state's draconian vaccine mandate for healthcare workers. This vaccine mandate, the plaintiffs argue, attempts to invalidate legal protections for sincerely held religious beliefs.

According to the September 13 [Memorandum](#) of Law in Support of Plaintiffs' Motion for a Temporary Restraining Order and a Preliminary Injunction, the state's vaccine mandate puts medical professionals who were praised for their works not so long ago "at risk of professional destruction, loss of livelihood and reduction to second-class citizenship because they cannot in conscience, given their sincere religious beliefs, consent to be injected with vaccines that were tested, developed or produced with cell lines derived from the bodies of aborted babies."



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On August 16, New York then-Governor Andrew Cuomo [announced](#) that staff at hospitals, nursing homes, and other long-term care facilities will be required to get their first dose of COVID jab by September 27 or face termination. The actual order, issued by the Department of Health for the State of New York, allowed for the "limited exceptions for those with religious or medical reasons." [It stated](#):

Covered entities shall grant a religious exemption for COVID-19 vaccination for covered personnel if they hold a genuine and sincere religious belief contrary to the practice of immunization, subject to a reasonable accommodation by the employer. Covered entities shall document such exemptions and such reasonable accommodations in personnel records or other appropriate records in accordance with applicable privacy laws by September 27, 2021, and continuously, as needed, thereafter.

However, on August 26, the New York State Department of Health (DOH) board [approved](#) an implementation of emergency authorization of a vaccine mandate for all healthcare workers in the state, while also removing the planned religious exemption as an alternative to inoculation. Vanessa Murphy, a DOH attorney, [argued](#) the department is "not constitutionally required to provide a religious exemption," while adding, "You see that with the Measles and the Mumps requirement for health care workers."



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Some of the medical professionals disagreed. According to the [Complaint](#) filed against Governor Kathy Hochul, commissioner of the N.Y. Department of Health Howard Zucker, and N.Y. Attorney General Letita James, the measure violates protections provided under the Title VII of the Civil Rights Act of 1964, New York State’s Human Rights Law, the Constitution’s Supremacy Clause, and the First and Fourteenth Amendment of the U.S. Constitution.

The plaintiffs also argue that on June 25, 2021, the declaration of a “State disaster emergency” connected to COVID-19 in the state of New York was rescinded, along with all the executive orders that followed it. Therefore, COVID was no longer a public health emergency, and no more “emergency” orders could be issued. Still, the suit states, Health Commissioner Zucker, and Cuomo’s successor (Governor Hochul) “continue to behave as if the ‘disaster emergency’ had never ended — and never will end” and prepare to enforce COVID “emergency” regulation, or a vaccine mandate.

Further, the plaintiffs point to the wording of the order, which requires healthcare institutions to “*continuously* require personnel to be fully vaccinated against COVID-19,” suggesting the workers must receive as many booster shots as they are ordered to be considered “fully vaccinated.”

The suit presents evidence that all three vaccines authorized for use in the United States employ fetal cell lines derived from procured abortion in the testing, development, and/or production of the vaccines. And it specifies a number of sincere religious beliefs concerning abortion-connected vaccines. Among them:

- a) The plaintiffs oppose abortion under any circumstances, as they believe that abortion is the intrinsically evil killing of an innocent, and thus they also oppose the use of abortion-derived fetal cell lines for medical purposes and abortion derived fetal stem cell research.
- b) It would be a violation of their deeply held religious beliefs and moral consciences to take any of the available COVID-19 vaccines given their use of abortion-derived fetal cell lines in testing, development, or production.
- c) By receiving one of the COVID vaccines currently available, all of which are abortion-connected, they believe they would be cooperating with the evil of abortion in a manner that violates their consciences and that they would sin gravely if they acted against their consciences by taking any of these vaccines.

The suit specifies that even though the plaintiffs are not against all vaccines, they believe it is absolutely unacceptable for the civil authorities to force anyone to be medicated or vaccinated against his or her will, whether or not the therapeutics is abortion-connected.

Attorney Christopher Ferrara of [The Thomas More Society](#), which is representing the healthcare workers in the case, said that “what New York is attempting to do is slam shut an escape hatch from an unconstitutional vaccine mandate,” while being aware of the large number of workers who have religious objections to getting COVID jabs — as many as 20 percent of the workers, per the complaint. Last Friday, a conservative Christian legal organization Liberty Counsel [filed](#) a similar lawsuit against officials in New York for the same reason.

Meanwhile, the mandate is already causing a disruption in the healthcare services in New York. Last week, Lewis County General Hospital in New York [announced](#) it can no longer maintain a maternity ward due to the staff resignations over the vaccine mandate. The understaffing becomes an issue in



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other healthcare facilities as well. The state's top officials are yet to address the mounting issue that threatens to undermine a normal functioning of the Empire State's healthcare system.



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