



Written by [Alex Newman](#) on October 24, 2009

New York State Backs Off Forced Vaccines

A rule that would have forced half of a million healthcare workers in the state of New York to be vaccinated for seasonal and swine influenzas was suspended on October 22 following a series of protests, lawsuits, a restraining order, and an alleged shortage of supplies.

New York Governor David Patterson announced the decision to drop the vaccination order in a [press release](#), citing an acknowledgement by the U.S. Centers for Disease Control and Prevention (CDC) that only 23 percent of the anticipated vaccines would reach the state by the end of October.



"As a result, we need to be as resourceful as we can with the limited supplies of vaccine currently coming into the state and make sure that those who are at the highest risk for complications from the H1N1 flu receive the first vaccine being distributed right now in New York State," Patterson said, referring to pregnant woman and young people as the most important target.

The controversial forced vaccines were mandated under an emergency regulation issued in August by state Health Commissioner Richard Daines, who lamented that voluntary programs normally only inoculate less than half of all health workers. Failure to comply could lead to termination.

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But the rule was met with fierce [resistance and protests](#), including a statewide demonstration, a protest in front of the Capitol, and a variety of lawsuits filed by unions and health workers. One of the suits resulted in an Albany State Supreme Court justice [issuing a temporary restraining order](#) against the regulation pending the outcome of another hearing at the end of the month.

A lawyer for the group of nurses that won the restraining order celebrated the decision to suspend the mandate. "This is a good result, because the decision whether or not to be vaccinated is one that should be made by the individual," attorney Terence Kindlon said.

Other opponents also applauded the state's decision to stop the mandatory shots. "This was the proper and appropriate action for the state to take," explained New York's Public Employees Federation union President Kenneth Brynien. "This was an extremely passionate issue for many of our members." The PEF was one of several unions involved in lawsuits against the state.

Dr. Mayer Einstein, also a lawyer, praised the decision to rescind the rule as well, calling it "a great victory for all the New York health care workers." He congratulated the nurses and everybody involved in fighting the mandate while calling for the battle to go on. "Now let's continue the fight and get mandates removed from all schools."

Einstein also blasted the flu vaccines themselves in his comments about the suspension. "Why would anyone take a flu shot laced with toxins which has a history of not working? Show me the evidence CDC! Every year more and more Americans get flu shots and more and more Americans are dying from



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the flu and its complications.”

According to the Associated Press, a spokesperson for the Health Department said the agency plans to make the mandatory flu vaccination order permanent in 2010, assuming there are enough vaccines to go around. What will happen to the lawsuits challenging these government powers is still not clear.

Though the government’s excuse for suspending the order was the shortage of vaccines, some analysts [speculated](#) that it may have been linked to the resistance. The vaccine itself has also come under fire from critics in the medical community for the [speedy safety testing, dangerous ingredients, and uncertain efficacy](#).

The decision to forego mandatory influenza inoculations is a small practical victory for people concerned about big government and the vaccination. But the idea that the state can force private workers to submit to involuntary medical procedures still stands in New York, and this is only a temporary setback.



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