



NYC Judge Dismisses Lawsuit Against Vaccine Order

Last week, New York City Judge Lawrence Knipel of the Kings County Supreme Court dismissed a complaint from parents who objected to the city's emergency vaccine order in the wake of the city's measles epidemic, proving once more that civil liberties in New York are in serious jeopardy.



Earlier this month, the New York City Department of Health and Mental Hygiene issued an order demanding that unvaccinated children living in several Brooklyn zip codes receive vaccines or else parents faced potential fines of up to \$1,000 per person:

IT IS HEREBY ORDERED that any person who lives, works or resides within the 11205, 11206, 11221 and/or 11249 zip codes and who has not received the MMR vaccine within forty eight (48) hours of this Order being signed by me shall be vaccinated against measles unless such person can demonstrate immunity to the disease or document to the satisfaction of the Department that he or she should be medically exempt from this requirement.

The order applies to anyone over six months old, despite the fact that the CDC does not suggest administering the MMR vaccine until at least 12 months old.

Those in support of the order cite "herd immunity" as a defense and have claimed the measles epidemic to be "dangerous." But those opposed to vaccines assert that vaccines such as MMR have destroyed natural herd immunity and replaced it with one that requires a dependence on vaccines and presents increased risk of adverse effects.

Critics of the vaccine order contend that the dangers of the measles have been significantly overblown. According to well-known pediatrician Dr. Robert Sears, author of *The Vaccine Book*, the risk of fatality from the measles in the United States or any other developed country with a well-nourished population is close to zero. In fact, it is a relatively mild illness that creates symptoms that are highly treatable, generally.

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The so-called anti-vaxxers have been scapegoated by the mainstream media in recent months as measles cases have increased throughout the United States. Dr. Sears contends the anger has been directed at the wrong people, however. He posted on his Facebook page:

We have the highest vaccination rates, for the most diseases, we've ever had before in history. THE. HIGHEST. There were less children vaccinated the year measles was declared eliminated. And yet, they still declared it eliminated.

The truth is, these outbreaks have nothing to do with the 1% who opt out of vaccines (yep, the



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number is really that small). Outbreaks are happening, and will continue to happen, because we are losing our natural immunity and population coverage. Close to 40 million immune senior citizens have died since 2000, leaving us a lot more susceptible to outbreaks. Add to that the reality that secondary vaccine failure (or waning immunity) is leaving older children and adults vulnerable to diseases they were already vaccinated for, and you have a recipe for disaster.

Despite this logic, pro-vaxxers are targeting anti-vaxxers — many of whom have classified themselves as ex-vaxxers who have experienced vaccine injuries and have turned a corner on vaccinations — and now families in New York have found themselves in a difficult position.

Immediately following the issuance of the city's vaccine order, parents sued the state, claiming that the mandatory vaccine order violated legal religious exemptions and was not the "least restrictive means" of controlling the epidemic.

"The emergency orders grossly understate the risk of harm to children, adults and the general public from the MMR vaccine, while at the same time overstating the benefits," the lawsuit [claimed](#).

But according to Judge Knipel, the order does not pose a threat to the constitutional rights of New Yorkers.

"The unvarnished truth is that these diagnoses represent the most significant spike in incidences of measles in the United States in many years and that the Williamsburg section of Brooklyn is at its epicenter," he wrote.

Knipel stated that any issue of informed consent was inappropriately raised.

"A fireman need not obtain the informed consent of the owner before extinguishing a house fire. Vaccination is known to extinguish the fire of contagion."

Knipel claimed that the parents' religious objections were irrelevant to this situation because they only apply to whether children could attend school, not what must be done in a public health emergency, Courthouse News Service reports.

Sadly, Judge Knipel is not alone in this belief. Public health concerns have been historically used to violate freedom of speech and religion when it comes to vaccinations.

"There has never been a state [mandatory vaccination] law struck down because of the freedom of religion aspect of the First Amendment," said Kathleen Hoke, a University of Maryland law professor and regional director of the Network for Public Health Law.

"A century of jurisprudence continues to support mandatory vaccines in a variety of contexts," Hoke said.

Senator Brad Hoylman (D-Manhattan) has already stated that vaccine exemptions based on religious beliefs are "a loophole" that has been "abused."

New York Governor Andrew Cuomo has been the surprising voice of reason on the topic. During an April 9 radio interview, he said in regard to the measles outbreak, "Look, it's a serious public health concern, but it's also a serious First Amendment issue."

He rhetorically asked whether "government has the right to say you must vaccinate your child because I'm afraid your child can infect my child, even if you don't want it done and even if it violates your religious beliefs."



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Those opposed to vaccines and to a government that can force its citizens to be injected with potentially harmful substances offer a resounding “no!”

KTSA [reports](#) that three people have been fined for being unvaccinated under the City’s order, thus far.



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