
Unvaccinated:

The Strange Story of Vaccine Exemptions

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Choosing Not to Vaccinate

- ◆ **More parents are choosing not to vaccinate**
 - 1-2% choose no vaccines
 - 10-20% choose to delay, withhold, or space out
 - Consequent outbreaks of vaccine-preventable diseases
- ◆ **Parents are making this choice because they can: medical, religious, and philosophical exemptions.**

Religious Exemptions

Religious exemptions

- ◆ **Religious exemptions don't make sense from the standpoint of:**
 - **Biblical scriptures**
 - **Constitutional law**
 - **Religious morality**

Biblical Scriptures

Religious texts

- ◆ **Old testament:** 1400-400 B.C.
- ◆ **New testament:** 117-138 A.D.
- ◆ **Qur' an:** 610-632 A.D.
- ◆ **Smallpox vaccine** 1796 A.D.

Religious texts

- ◆ **Leaders representing all of the major religions have continued to support the value of vaccines on issues ranging from the use of porcine gelatin to fetal cells.**

Constitutional Law

Bill of Rights

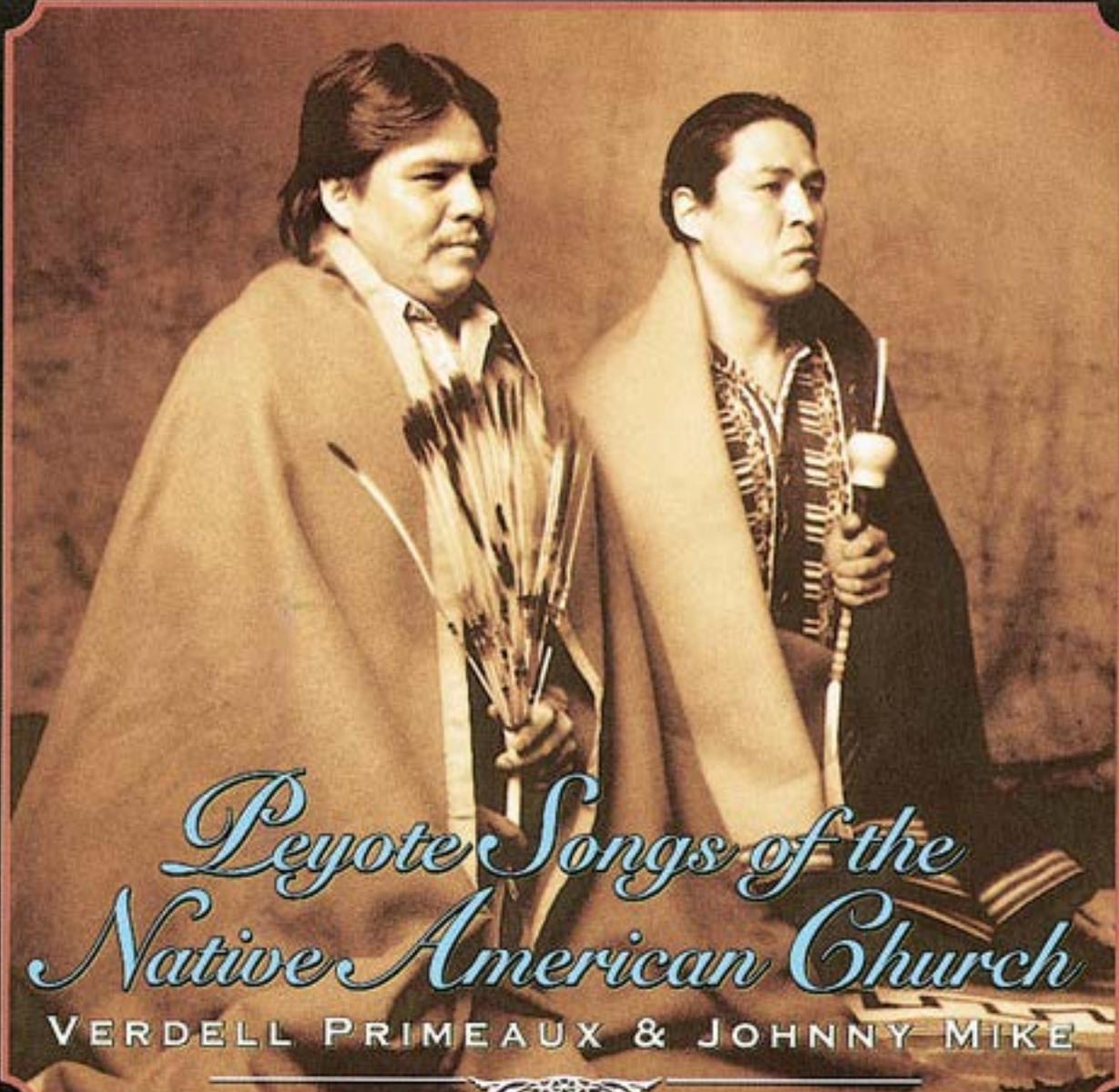
Congress OF THE
FIRST AMENDMENT
United States.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.



Polygamy





*Peyote Songs of the
Native American Church*

VERDELL PRIMEAUX & JOHNNY MIKE

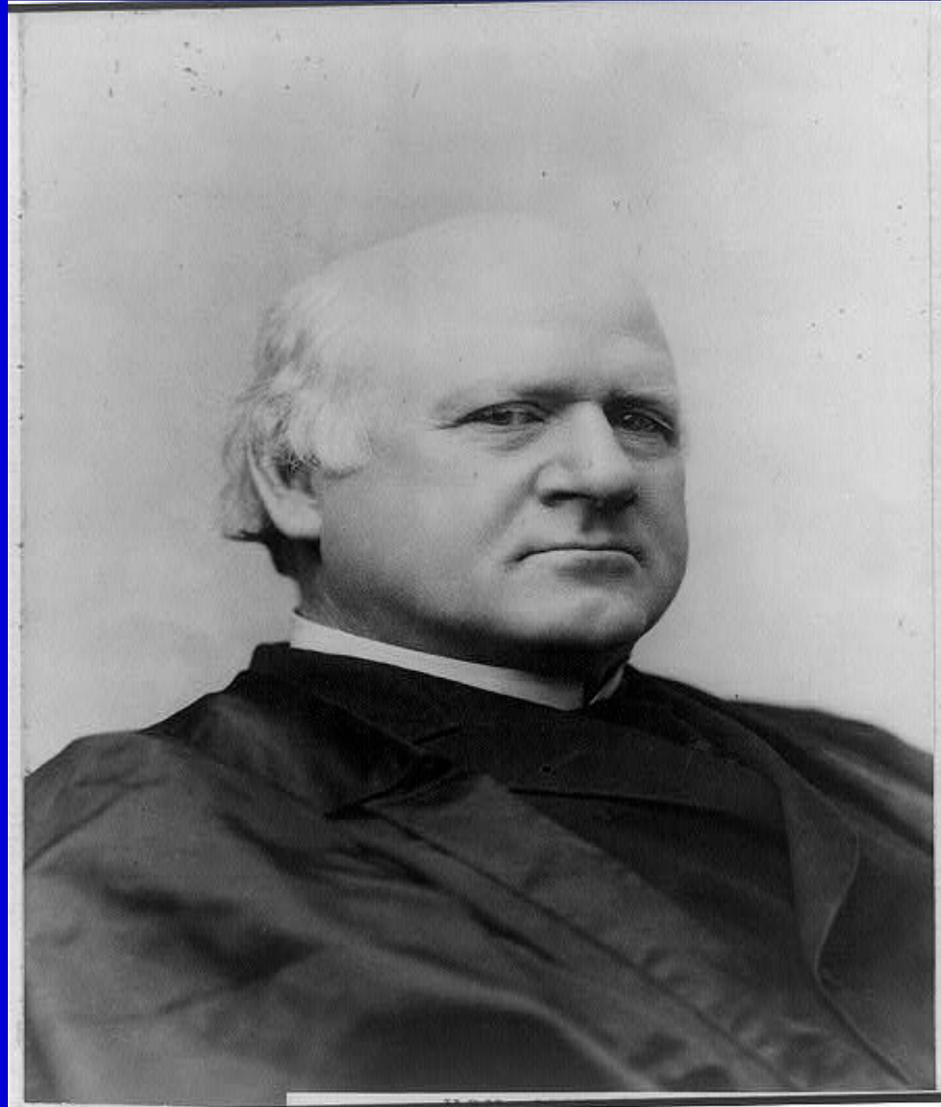


**Do United States citizens have a
constitutional right to exempt
themselves from vaccines?**

United States Supreme Court

- ◆ *Jacobson v. Massachusetts* (1905)
 - **Outbreak of smallpox in Boston**
 - **Cambridge Board of Health requires smallpox vaccine or \$5.00 fine**
 - **Henning Jacobson refused both**

Justice John Marshall Harlan



United States Supreme Court

“The liberty secured by the Constitution of the United States...does not import an absolute right...to be wholly freed from restraint. There are manifold restraints to which every person is necessarily subject for the common good....Society based on the rule that each one is a law unto himself would soon be confronted with anarchy and disorder.”

United States Supreme Court

◆ *Zucht v. King* (1922)

- Rosalyn Zucht was expelled from Brackenridge High School in San Antonio for refusing smallpox vaccine.
- Unanimous decision granting states broad authority to impose health regulations

United States Supreme Court

- ◆ **Prince v. Massachusetts (1944)**
 - **Jehovah's Witness claims right to have young children distribute pamphlets.**
 - **Judge ruled against Prince, claiming religious freedom did not trump child labor laws.**

Prince v Massachusetts (1944)

“[A parent] cannot claim freedom from compulsory vaccination for the child any more than for himself on religious grounds. The right to practice religion freely does not include the liberty to expose the community to infectious disease. Parents may be free to become martyrs themselves; but it does not follow they are free...to make martyrs of their children.”

**Although no constitutional right to
refuse vaccines, states may allow
exemptions**

Religious Exemptions: State Courts

- ◆ **Wright v. DeWitt High School, 1965**
- ◆ **McCartney v. Austin, 1968**
- ◆ **Avard v. Manchester Board of School Committee, et al., 1974**
- ◆ **Brown v. Stone, 1979**
- ◆ **Davis v. Maryland, 1982**

New York State Assembly, June 20th, 1966



New York State, June 20th, 1966

- ◆ **New York State considered a bill requiring polio vaccine for school entry.**
- ◆ **Passed by a vote of 150-2.**
- ◆ **Two dissenting votes because the bill excluded parents whose religion forbade vaccination. Direct result of lobbying efforts by one religious group.**

Mary Baker Eddy (1821-1910)



Christian Science

- ◆ Born in 1875 with Baker's publication, *Science and Health*.
- ◆ Believed that illness was a spiritual, not a physical disorder. Diseases should be treated with prayer, not medicines or surgeries.
- ◆ “We have smallpox because others have it. But mortal mind, not matter contains and carries the infection.”

The Daycroft School, Greenwich, CT



Daycroft School's first orchestra

Daycroft School, 1972

- ◆ **Outbreak of polio that paralyzed 11 children in a school of 128.**
- ◆ **At the time of the outbreak, there hadn't been a single case of polio in CT for more than three years.**
- ◆ **Polio didn't spread to the surrounding community.**

Response to Daycroft outbreak: NEJM

“I am deeply bothered that disease-prevention measures of documented benefit can be withheld by their parents in the name of religious freedoms, jeopardizing the health...of the community as well. The courts of this land have long since set precedent in the protection of children from the irresponsible acts of their parents.”

Maier v. Besser, 1972

- ◆ **William Maier took advantage of the New York State decision, successfully claiming his First Amendment rights. Can't discriminate against me because I'm not a Christian Scientist.**
- ◆ **47 states have religious exemptions to vaccination**

Religious exemptions not universal

- ◆ One state, Mississippi, doesn't allow religious exemptions to vaccination because its supreme court ruled that they were unconstitutional (*Brown v. Stone*).
- ◆ Balancing the 1st amendment with the 14th amendment to the constitution.

14th Amendment

. . . nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In Other Words...

- ◆ **Parents don't own their children.**
- ◆ **No reason why children whose parents are members of a religion that doesn't embrace good medical care should be afforded less protection than other children.**
- ◆ **Mississippi defended the civil rights of its children to have a life free of preventable illnesses.**

Ohio v. Miskimens

“Why should children not be afforded special protection by our laws, each child on an equal basis with every other child, where the denial of that protection may injure or cripple the child for life...Equal protection should not be denied to innocent babies, whether under the label of religious freedom or otherwise.”

Religious Morality

April 20, 1989



April 20, 1989

- **After returning from a trip to Spain, a teenager with a blotchy rash attends an R.E.M. concert at the Spectrum in Philadelphia.**
- **A couple weeks later, several other teenagers get sick.**
- **Measles virus has entered the city.**

The Philadelphia Inquirer

No Measley Problem

May 21, 1990

Measles

- **Measles vaccine first introduced in the United States in 1963.**
- **Prior to a vaccine, every year measles caused 3 million cases, 48,000 hospitalizations, and 500 deaths. Almost everyone was infected by 15 years of age.**
- **Deaths caused by pneumonia, encephalitis, or dehydration.**

Measles in Philadelphia

- **By November 29, 1990, 96 Philadelphia children infected with measles.**
- **By December 7, increases to 124.**
- **By December 31, increases to 258.**
- **In December, 1990, an 18-month old boy dies from measles pneumonia. First measles death in city in 20 years.**

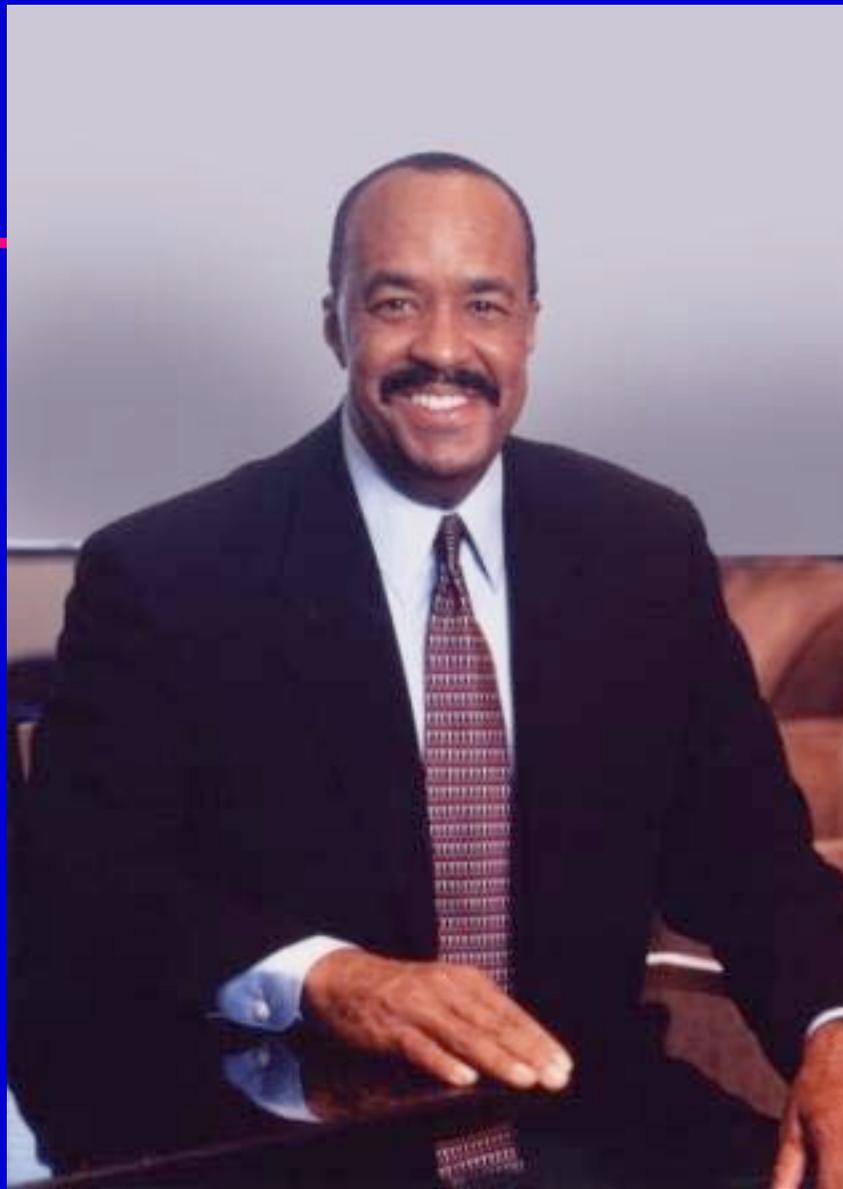
The Philadelphia Inquirer

N. Philadelphia Baby Death Linked to Measles

January 12, 1991

Measles in Philadelphia

- **Both measles deaths occur in unimmunized children.**
- **Philadelphia health commissioner recommends that first dose of vaccine should be given at 6 months of age.**
- **Seven weeks later city health officials will do something that had never been done before or since.**



Dr Robert Ross

January 16, 1991

- **Ross receives an anonymous phone call from a woman whose daughter belongs to the Faith Tabernacle church in North Philadelphia.**
- **Woman warns Ross that church members don't believe in medical care.**
- **“No one had died yet,” said Ross. “But for the first time we worried that we might not hear about a case of measles until a church member calls the police or calls the coroner to pick up the body.”**

Faith Tabernacle Church

- **Doctrine instructs members to “believe that the Bible is opposed to all means of healing apart from God’s way.”**
- **“If I go to God and ask him to heal my body,” says church member Gordon Korn, “I can’t go to a doctor for medicine. You either trust God or you trust man.”**
- **Church school contains hundreds of children—none are immunized.**



The *FAITH*

BERNARDINE

The Philadelphia Inquirer

Measles Kills Two Church School Pupils

February 11, 1991

Faith Tabernacle Church

- On February 7, 1991, Caryn Still, a 9-year-old girl is pronounced dead from measles; on February 10, Monica Johnson, a classmate, is also pronounced dead; Monica is one of 11 children in the home, all unimmunized.
- Monica's father is a teacher at the school. "I feel very confident in my belief in the way I've raised my children," he says. "Monica is something that God has given us and now has taken away."

The Philadelphia Inquirer

Checking Measles Cases with a Quick Glance

February 12, 1991

The Philadelphia Courts: Step I

- **Ross obtains a court order to visit the families, who refuse to let him touch their children.**
- **“Most of the families had six, eight, ten, twelve kids because they didn’ t believe in birth control,” says Ross. “There were also a lot of kids who were physically or mentally disabled because they all had in-house deliveries. Even if the kids were born breech, they didn’ t do a C-section. It was like the old days.”**

The Philadelphia Courts: Step I

- **Ross finds that children appear well:
“These kids had the rash, they were lying in bed, but they were alert, conversant, and appeared well hydrated.”**
- **Ross pleads with the parents to let him know if their children get any sicker.**

The Philadelphia Inquirer

Cheltenham Girl, 14, Is Third Measles Victim

February 15, 1991

Faith Tabernacle Church

- On February 14, police are called to the home of Linette Milnes, who is pronounced dead. Milnes doesn't attend the Faith Tabernacle school, but her sister does. Linette's seven brothers and sisters are all unimmunized.
- “When another kid turned up at the morgue I checked my list and realized she was on it,” said Ross. “I had just called the mother and she told me her kids were fine! She lied to me!”

The Philadelphia Courts: Step II

- Ross realizes that the information he's getting from parents is inaccurate.
- Gets a court order to physically examine children. Enlists residents at CHOP and St. Christopher's Hospital to go door-to-door: "It was one of the more inspiring moments in my thirty years in healthcare," says Ross. "These are busy people, on call every third night, yet they were happy to do it."

PHILADELPHIA

DAILY NEWS

Measles Eyed in Two More Kid's Deaths

February 16, 1991

Fourth Measles Death

- In the early morning of February 15, Nancy Evans, a 5-year-old from North Central Philadelphia, dies from measles. Nancy doesn't belong to the Faith Tabernacle church.

First-Century Gospel Church



Fifth Measles Death

- **Also on February 15, Tina Louise Johnson, the 13-year-old sister of Monica Johnson, dies on the day of Monica's funeral.**
- **Neither Nancy Evans nor Tina Louise Johnson were taken to a doctor when their illnesses worsened.**

Philadelphia Measles Epidemic, 1991

- **Five children have died in 10 days.**
- **Philadelphia is in the midst of the worst measles epidemic in the United States.**
- **In the U.S., about 1 in 1,000 infected children die from measles. In some developing world countries, can reach as high as 1 in 300. In Philadelphia, 4 of 150 children with measles who attend Faith Tabernacle are dead, a rate of about 1 in 35.**

February 15, 1991

- **CDC sends team to investigate.**
- **Was the circulating strain more virulent?**
- **The CDC's Bill Atkinson finds that the measles deaths have nothing to do with the circulating strain and everything to do with the parents. Children are dying because they aren't getting intravenous fluids for severe dehydration or oxygen for pneumonia.**

PHILADELPHIA

DAILY NEWS

Measles Hysteria Rampant

February 21, 1991

Philadelphia Measles Epidemic, 1991

- Philadelphia measles epidemic is at its peak.
- At CHOP, 82 children seen in ED and 28 have been hospitalized.
- At St. Chris' s, 250 children seen in ED and 3 are being hospitalized every week.
- Ross and his team have visited 80 families and 500 children, but predicts, “There will be more measles deaths in the city of Philadelphia.”

The Philadelphia Inquirer

Phila. Compels Hospitalization in Measles Case

February 18, 1991

The Philadelphia Courts: Step III

- **Ross asks mayor to obtain court order to hospitalize children who are critically ill.**
- **With the telephone number of a judge in hand, residents examine children from Faith Tabernacle church. “It was like entering a time warp,” said Mark Joffe, who headed St. Chris’ s team. “With the exception of the fact that they stay at home and watch their children die from measles, they seem like wonderful people.”**

Faith Tabernacle Church

- Daniel Kirn, 4-year old, develops measles pneumonia. Healthcare worker insists on admitting child to hospital. Parents “politely, but firmly, refuse.”
- Ross calls City Solicitor Charisse Lille, who calls Family Court Judge Edward Summers, who gets an emergency order to hospitalize the boy.
- A second child, 1-year old Bianca Carpena, is also hospitalized against her parents’ will.

The Philadelphia Inquirer

City Will Seek Court Order
for Measles Shots

February 28, 1991

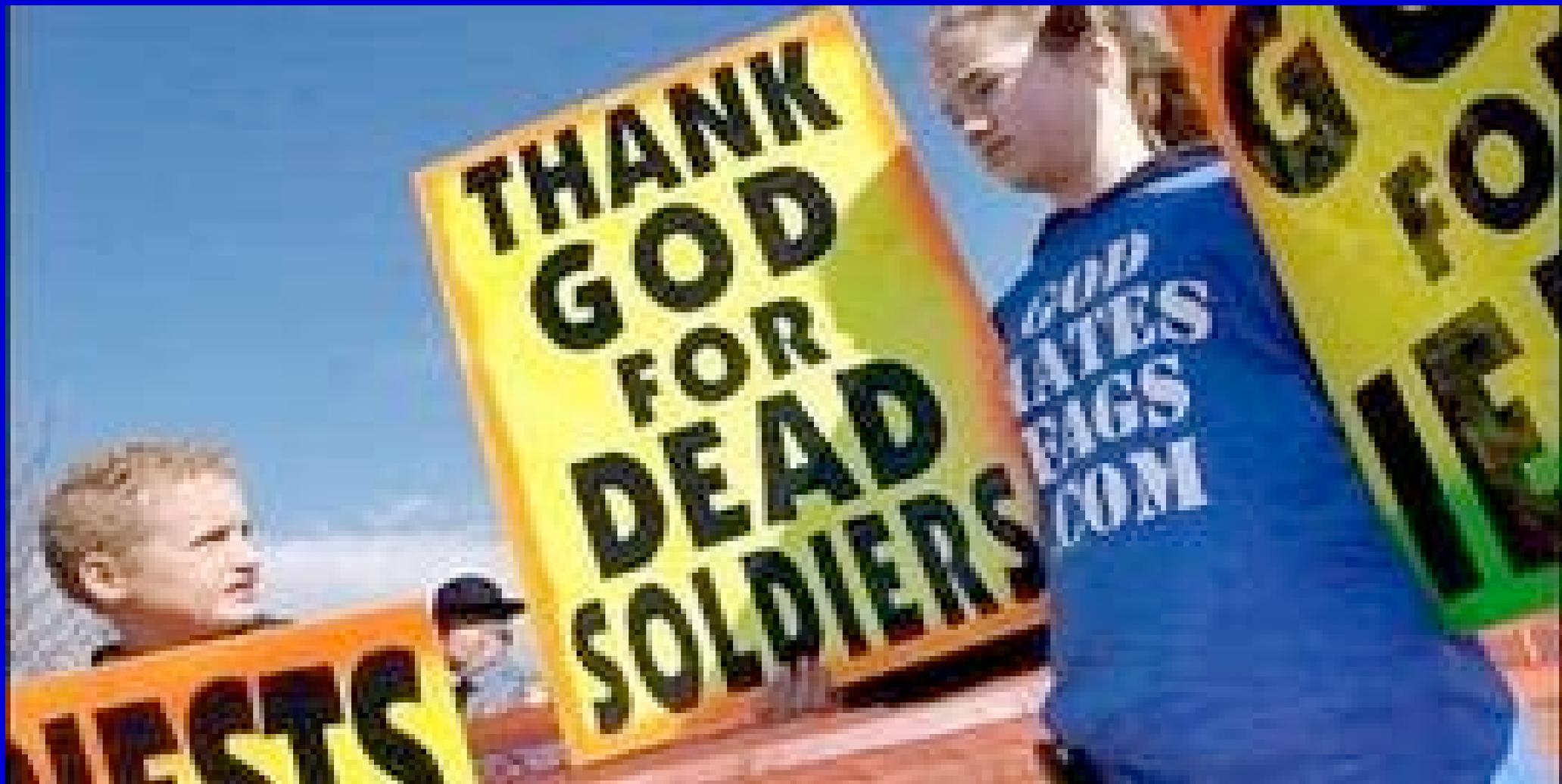
The Philadelphia Courts: Step IV

- **Philadelphia is a feared destination. Two nearby schools cancel trips to the city.**
- **City prints 50,000 educational pamphlets and is vaccinating hundreds of school children every week. PA sends \$100,000 in federal funds to help.**
- **On February 27, 1991, Mayor Wilson Goode asks the City Solicitor's office to obtain a court order to forcibly vaccinate children.**

Florida, 2009, Dove World Outreach Center



2007, Missouri, Westboro Baptist Church



1977, Skokie, IL, Neo-Nazi march



The Philadelphia Inquirer

ACLU Declines to Help Parents in Measles Case

March 2, 1991

ACLU Declines

- **“There is certainly a free exercise of religion claim by the parents,” said Deborah Leavy, of the Philadelphia chapter of the ACLU, “but there is also a competing claim that parents don’t have the right to martyr their children. I don’t think we’ve walked away from our principles here.”**

PHILADELPHIA

DAILY NEWS

Five Children Get Court Ordered Vaccinations

March 9, 1991

December 3, 1992

- Among church members, 486 people infected and six died. Among non-church members, 938 people infected and three died.
- All nine deaths were in children. Attack rate in church members about 1,000-fold greater than in the surrounding community.

D. V. Rodgers, et al, "High Attack Rates and Case Fatality During a Measles Outbreak in Groups with Religious Exemption to Vaccination," *Pediatric Infectious Disease Journal* 12 (1993): 288-92

CDC, 2013

- **In 2013, CDC identifies about 30,000 children whose parents had chosen not to vaccinate them for religious reasons.**
- **Given underreporting and the insular nature of some faith healing groups, the number is likely much larger.**

CDC: “Vaccination Coverage Among Children in Kindergarten—United States, 2012-2013 School Year,” MMWR 62 (2013): 607-612.

“Jesus was my doctor”

- **Children in society at the time of Jesus’ birth.**
- **Quotes attributed to Jesus in the gospels.**
- **Where were religious leaders during the Philadelphia measles epidemic?**

**Why do we allow such a profoundly
unreligious act to be performed in
the name of religion?**

Philosophical Exemptions

Sherr v. Northport Union School, 1987

- ◆ Fifteen years after the Maier decision, Lewis Levy argued: “To us, religion is not a temple; religion is not something outside of ourselves.”
- ◆ Judge agreed: Vaccine exemptions granted “if beliefs were held with the strength of religious convictions.” 17 states now have philosophical exemptions.

Philosophical exemptions

- ◆ **Problem with terms:**
- ◆ **phila (love), sophos (wisdom).**
- ◆ **Personal *belief* exemption.**

A Breakthrough Moment:

**California Senate
Bill SB277**



Dr. Richard Pan (D) California



A hand holding a pen is positioned over a document with a ruler. The ruler shows markings for 1.0 and 0.5. The background is a light, textured surface.

VACCINATIONS: YOUR CHILD YOUR CHOICE

**OPPOSE
SB277**

OPPOSE MANDATED VACCINES



PAN-icking over
MEASLES?!
GET REAL!
WHERE IS THE
PAN-ic OVER
1st 68th WITH
AUTISM?!
NO ON SB 277!!

PRO-SCIENCE
PRO-RESEARCH
PRO-HEALTH
PRO-KIDS
PRO-CRITICAL THINKING
PRO-FREEDOM
PRO-CHOICE

KILL
SB

1
CORRUPT
SCIENCE!

HYPOCRITES!
LET'S MAKE SURE
EVERYONE GETS
THEIR VACCINE

No On
SB 277



John Salamone, Vaccine Safety Activist

California SB277 passed

- ◆ **New norm representing children's rights?**
- ◆ **All children should receive equal protection under the law. Who represents them?**
- ◆ **Sometimes people have to be compelled to do the right thing.**
- ◆ **Mississippi then and now.**