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ISSUE ANALYSIS

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Immunizations: A Parent's Choice

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What if, shortly after receiving a routine vaccination, your healthy, 6-month-old baby suddenly came down with a violent fever resulting in brain damage? What if you knew someone whose otherwise normal baby inexplicably died of SIDS (Sudden Infant Death Syndrome) the day after a series of immunizations? Would you vaccinate your children?

On the other hand, what if you heard of a family in your church whose children all contracted whooping cough and were horribly sick for over two months. Night after night, the parents stayed up with their children—holding them while they wheezed and could barely catch their breath. The family was opposed to vaccines on religious grounds and never had their children immunized. Wouldn't you vaccinate your children?

These are true stories. I have encountered scores of such accounts over the last 15 years in my role as senior counsel at the Home School Legal Defense Association.

Growing scientific and medical evidence demonstrates the dangers of vaccines to **some** children. Even the federal government concedes there is a problem—it established The National Childhood Vaccine Injury Compensation Program to reimburse parents for children who die from or are permanently disabled by vaccines.

For many years, routine childhood vaccinations have been required in all 50 states. Many states provide religious, medical, or philosophical exemptions for those who need them. But some organizations and individuals argue that across-the-board mandatory immunizations are necessary to protect the health of our nation's youth and to avoid epidemics. These advocates are calling for legislation that would mandate vaccines for *all* children.

As awareness of the dangers of vaccination grows and the pressure for mandatory immunizations increases, more and more parents are facing the questions: "Should I vaccinate my children?" as well as "Should the government mandate vaccinations for all children?"

There is no easy answer to the first question. Each family must prayerfully make that decision for their own children.

The answer to the second question is definitively “no.” The goal of this article is to explain why mandatory immunizations are troublesome, why existing exemptions to immunization regulations are important, and what your rights as parents are regarding the vaccination of your children.

Do Vaccines Harm Children?

Vaccines can sometimes cause permanent injury and death. The National Childhood Vaccine Injury Compensation Program has paid out over 1.5 billion dollars in damages to families for injuries and deaths following a vaccine reaction.¹

Every year the Food and Drug Administration receives 12,000–14,000 reports to the Vaccine Adverse Events Reporting System (VAERS) of hospitalizations, injuries and deaths following vaccination.² This figure does not include the estimated one to ten percent of vaccine injuries that are not reported.³

According to the vaccine manufacturers’ own product inserts, most vaccines have not been “evaluated or tested for their carcinogenic potential, mutagenic potential, or for impairment of fertility” or “reproductive capacity”, and there have been no long term studies on the cumulative effects on the child’s developing immune system of combining all the childhood vaccines together. There are no genetic or lab screening tests available to determine which children will react to a vaccine.⁴

There is no doubt **some** vaccines harm **some** children. No parents can be completely assured that a vaccine administered to their children will be safe. The federal government recognizes these health risks by providing financial remuneration to families whose children have adversely suffered from vaccines. All doctors, before they administer a vaccination to a child, must inform the parents of the potential damaging side effects. Medical science has established that everyone’s immune system is different and a baby’s immune system is not fully formed until he is almost three years old. To administer vaccines in a one-size-fits-all approach poses a significant risk to some individuals.

Take polio, for example. In 1979, the medical community officially declared polio dead. However, ever since then, approximately 10–20 cases of polio are reported each year—all of the cases were contracted by administration of the live polio vaccine.

Religious and Conscientious Objection to Immunizations

Another reason immunizations should not be mandated for all children is that many parents have strong religious convictions against vaccinating their children. Because of the research and case studies demonstrating the risks of vaccination, many parents sincerely believe that such vaccines would harm their children. Generally, these parents believe that children are a gift from God, and that they as parents must fulfill the commands in Scripture regarding raising children. These parents believe that it would be a sin to violate the commands of Scripture. One of those commands is found in Matthew 18:6 where Jesus Christ explains that if they “harm one of these little ones, it is better that a millstone be tied around their neck and they be thrown into the

ocean.” Since harm could come to their children as a result of vaccines, these parents cannot allow their children to receive immunizations.

As a result of these religious convictions and others, 48 state legislatures have appropriately provided religious or conscientious/philosophical exemptions for parents with similar beliefs. Eighteen states allow for conscientious parental choice exemptions: AZ, AR, CA, CO, ID, LA, ME, MI, MN, NM, ND, OH, OK, UT, TX, VT, WA, and WI. Only Mississippi and West Virginia have no religious or philosophical exemptions. However, Mississippi does allow an automatic exemption for homeschool students. According to Centers for Disease Control surveys, states allowing for conscientious choice exemptions do not have higher rates of vaccine preventable illnesses.⁵

Arkansas has historically had a religious exemption provision in the state immunization statutes, but on July 25, 2002, a federal court in Arkansas ruled that the exemption was unconstitutional. The court found that the statute unconstitutionally required a person claiming a religious exemption to be an adherent or member of a recognized church or religious denomination whose religious tenants and practices conflicted with the immunization requirement. As written, the law violated the Establishment and Free Exercise Clauses of the First Amendment and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Constitutional principles of religious freedom require that an exemption from the immunization statute be based upon a person’s individual religious beliefs, not those of a church or denomination. HSLDA worked with the Arkansas legislature in 2003 to pass a new religious exemption statute that is constitutionally sound.

These religious exemption statutes simply codify the protections of an individual’s right to freely exercise their religious belief as guaranteed by the First Amendment of the U.S. Constitution and parallel portions of the state constitutions. These religious exemption statutes have been in place for decades without posing any major risk to public health. Faith-based decisions concerning immunizing one's children have consistently been protected by the courts. See *Berg v. Glen Cove City School District*, 853 F.Supp. 651 (E.D.N.Y. 1994); *Sherr v. Northport-East Northport Union Free School District*, 672 F. Supp. 81 (E.D.N.Y. 1987).

The Decision to Immunize: A Parent’s Choice

Mounting evidence demonstrates vaccines cause harm to **some** children. The question is whose children will be harmed? Mandating vaccinations is legislating harm on certain children each year. The decision therefore to vaccinate or not vaccinate a child must be left to the parents and not the state. Homeschool parents especially should have liberty to make this decision because their children are not in constant daily contact with large groups of other children, greatly reducing the likelihood of contracting or spreading disease.

Parents have a fundamental right to direct the education and upbringing of their children, as guaranteed by the Liberty Clause of the Fourteenth Amendment. And the U.S. Supreme Court has recognized this foundational freedom of parental liberty in a long line of cases. [See *Pierce v. Society of Sisters*, 268 U.S. 1076, 1078 (1925).] Since parental rights are fundamental, the courts must apply a higher standard of review whenever there is a conflict between a parent and the

state. The “compelling interest test” requires that a state prove its regulation is *essential* to fulfill a compelling state interest and is the *least restrictive means* of fulfilling that interest. The state must also prove this burden with evidence.

It has long been recognized that the state has a compelling interest in the public health and safety of its citizens. Although immunizations have been shown to be effective in protecting the public health for a majority of citizens, immunizations have also been proven to harm some citizens. There is no conclusive proof, therefore, that mandatory immunizations are *essential* to protect the public health. Nor is there conclusive evidence that mandatory vaccinations are the *least restrictive means* to fulfill the state’s compelling interest in protecting the public health. The most effective deterrent to these infectious diseases are the enactment and enforcement of public sanitation laws.

In 2000 Iowa’s state senate actually repealed the exemption that allowed a parent to object on religious grounds to the immunization of a child. [Senate File (SF) 2314]. HSLDA, the Network of Iowa Christian Home Educators, and the National Vaccine Information Center teamed together to fight this bill. By God’s grace, the bill was amended in a House committee to reinstate the religious exemption and that battle was won.

Parents Must Be Free to Choose

Parental liberty is a precious freedom enjoyed by all Americans since the founding of our nation. It is long recognized that, as a general principle, parents act in the best interests of their children and, as a result, make the best decisions for their children. The area of health is no exception. Homeschoolers must work together to keep the decision to immunize in the hands of parents. At HSLDA, we are committed to advancing parental rights as we help homeschool parents who are unduly harassed by social workers and work to keep the religious exemption to immunizations intact.

For information on the latest vaccine research, subscribe to The National Vaccine Information Center’s newsletter, 204 Mill Street, Suite B1, Vienna, VA 22180, (703) 938-DPT3, www.909shot.com.

¹ U.S. Department of Health and Human Services, see <http://www.hrsa.gov/about/budgetjustification07/> and <http://www.hrsa.gov/about/budgetjustification07/VaccineInjuryCompensationProgram.htm>

² The Vaccine Adverse Events Reporting System, (VAERS) <http://vaers.hhs.gov/>

³ *Journal of the American Medical Association*, June 2, 1993, Vol.269, No.21 pp. 2765-2768

⁴ Pharmaceutical Research and Manufacturers of America’s New Research and Development Database, <http://www.phrma.org/>

⁵ *Summary of Notifiable Diseases*, United States, 1997, November 20, 1998, *Morbidity and Mortality Weekly Report (MMWR)*