

No Pharma Liability? No Vaccine Mandates - NVIC Newsletter

by **Barbara Loe Fisher**

On February 22, 2011 the U.S. Supreme Court shielded drug companies from all liability for harm caused by vaccines mandated by government when companies could have made a safer vaccine. [1](#)

From now on, drug companies selling vaccines in America will not be held accountable by a jury of our peers in a court of law if those vaccines brain damage us but could have been made less toxic. [2](#)

If you get paralyzed by a flu shot or your child has a serious reaction to a vaccine required for school and becomes learning disabled, epileptic, autistic, asthmatic, diabetic or mentally retarded, you are on your own. [3](#), [4](#), [5](#), [6](#), [7](#), [8](#), [9](#), [10](#), [11](#), [12](#), [13](#), [14](#), [15](#), [16](#)

From now on – unless we stand up and draw the line on vaccine mandates - the government can legally use police powers to force every American to get hundreds of vaccinations or be punished while those, who are hurt by vaccination, can be more easily swept under the rug and left to fend for themselves. [17](#), [18](#), [19](#)&, [20](#)

Big Pharma Blackmailed Congress in 1982

To understand how this happened, we have to turn the clock back to 1982. That is when four big drug companies (Merck, Wyeth, Lederle, Connaught) blackmailed Congress by threatening to stop selling vaccines in America unless a law was passed giving them complete immunity from prosecution. [21](#)

The pharmaceutical industry knew they were in big trouble because the old, crude whooping cough vaccine in the DPT shot was causing brain inflammation and death in many children; [22](#) the live oral polio vaccine was crippling children and adults with vaccine strain polio; [23](#) and Americans were filing lawsuits to hold drug companies responsible for the safety of their products.

Supreme Court Allows Seat Belt Injury Lawsuits

On February 23, 2011, one day after the Supreme Court blocked lawsuits against drug companies for failing to make vaccines safer, they cleared the way for lawsuits against car manufacturers for failing to make seat belts safer. [24](#)

Civil Liability Is A Consumer Protection

Civil liability is a consumer protection. In the past, civil liability has protected us from wealthy tobacco corporations selling cigarettes that were once endorsed by

doctors and the U.S. government. [25](#), [26](#) Civil liability has protected us from defective cars and toys and food and drugs that have passed federal licensing and safety standards. [27](#), [28](#), [29](#), [30](#)

Civil liability put pressure on drug companies to develop and license a less toxic pertussis vaccine in 1996. [31](#) Civil liability put pressure on federal health agencies to replace use of a contaminated, neurotoxic polio vaccine that can paralyze people with one that cannot. [32](#)

Parents in 1980's Opposed Total Liability Shield

Thirty years ago the wealthiest and most powerful industry lobbying on Capitol Hill and in state legislatures – the multi-billion dollar pharmaceutical industry - tried very hard to get total liability protection for every vaccine that government regulates, recommends and mandates.

The only difference is that three decades ago, government officials were ordering doctors to give children 23 doses of 7 vaccines and, today, that direct order is up to 70 doses of 16 vaccines. [33](#), [34](#)

The parent co-founders of the National Vaccine Information Center worked with Congress back in the early 1980's and we refused to support any legislation that would legally let the pharmaceutical industry completely off the hook. [35](#)

1986 Law: Pharma Liability Was The Safety Net

Parents successfully argued that, if Congress was going to give drug companies partial liability protection through the creation of a federal vaccine injury compensation alternative to a lawsuit, then language had to be written into the National Childhood Vaccine Injury Act of 1986 that protected a citizen's right to sue drug companies when federal compensation was denied, or the company had the technological ability to make a vaccine less toxic but refused to do it. [36](#)

Continued civil liability was the safety net for American consumers in that law. Continued civil liability was the leverage that gave some financial incentive for drug companies to make vaccines safer and gave some political incentive for government officials to award federal compensation to the vaccine injured. [37](#)

Supreme Court Wrote Pharma A Blank Check

Now, six activist Supreme Court judges have ripped the liability safety net from the U.S. mass vaccination system and written Big Pharma a blank check by deliberately ignoring the language and legislative history of the 1986 Vaccine Injury Act. Only Justices Sotomayor and Ginsburg, in an accurate and brilliant dissenting opinion, stood up for the people. [38](#)

Every American Pays Surcharge on Every Vaccination

Now it will be much easier for employees in government health agencies and the U.S. Department of Justice and the Vaccine Court to deny vaccine victims federal compensation, which 308 million Americans pay for through a surcharge on each

one of the annual flu shots and the dozens of doses of vaccines public health officials say we all should get. [39](#)

There is \$3 billion dollars waiting to be awarded in the Vaccine Injury Trust Fund, which has already been raided by federal agencies dragging vaccine victims through years of litigation and looking for ways to deny vaccine risks. [40](#)

130 vaccinations from birth to death

The Supreme Court has now given Pharma and evangelistic doctors a green light to lobby legislators to require every American, who lives to be 78 years old, to get more than 130 doses of government recommended vaccines starting on the day of birth through the last year of life. [41](#)

Hundreds of New Vaccines In Development

That does not include use of any of the hundreds of new vaccines now being developed by drug companies with government approval that will be required in the future - whether those vaccines are necessary or not; whether the vaccines work or not; whether the vaccines are dangerous or not and whether the people want to use the vaccines or not. [42](#), [43](#)

This is not public health. This is exploitation of a captive people by a pharmaceutical industry seeking unlimited profits and by doctors in positions of authority, who have never seen a vaccine they did not want to mandate.

It is a drug company stockholder's dream, a health care consumer's worst nightmare and a prescription for tyranny.

Americans Forced to Get More Vaccines Than Anyone in World

Americans are required by law to use more vaccines than any other nation in the world. In no other country - not in Canada, [44](#), the United Kingdom, [45](#) Australia, [46](#) New Zealand, [47](#) the Netherlands, [48](#) Germany, [49](#) Japan [50](#) or in any other country are citizens subjected to mandatory use of dozens of doses of vaccines under the threat of being denied a public education and health insurance and employment. [51](#) [52](#) [53](#)

There is no other word for this but tyranny.

Vaccines Are Pharmaceutical Products

Vaccines are pharmaceutical products that carry a risk of injury or death, a risk that can be greater for some than others. If a vaccine is effective, then those choosing to use that vaccine will have nothing to fear from those who make another health care choice. If a vaccine is not effective, then consumers are being asked to take two risks: a risk they will be harmed and a risk the vaccine will not work at all.

That is not a product that should be legally required, especially when doctors cannot predict ahead of time who will be harmed by a vaccine and there is no

civil liability for the company selling it, the person giving it or the government official mandating it.

No liability?

No accountability?

No mandates.

Stand Up for Health Freedom

If corporations are in business to make money; if doctors can make mistakes; if judges can get it wrong; if what is considered scientific truth today can turn out to be not true tomorrow; and if nobody is held accountable in the civil justice system for vaccines that could have been made safer, then now is the time for all Americans to stand up for health freedom in this great nation of ours.

There is no freedom more fundamental than the human right to be free to decide what risks we are willing to take with our lives or our children's lives.

Join NVIC: Help Us Help You

Please join with the non-profit National Vaccine Information Center, the largest, oldest and most experienced vaccine safety and informed consent watchdog in America.

Help us help you stand up for your right to know and freedom to choose which vaccines that you consider necessary, safe and effective enough to use.

Help us defend every American's right to seek justice in a civil court of law when vaccines cause harm - or do not work - so that reactive and ineffective vaccines are forced off the market.

Protect Vaccine Exemptions in Your State

Vaccine laws are state laws. Sign up for our free Advocacy Portal at www.NVICAdvocacy.org that will teach you how to participate effectively in the democratic legislative process and defend vaccine exemptions in your state laws. Educate your elected representatives about why it is so important to include strong consumer protections and informed consent rights in all public health laws.

Donate \$10 and NVIC Receives \$30 to Defend Freedom

Please [make a donation](#) – large or small – to NVIC. Because *for every dollar you donate by March 31, 2011 THREE dollars will be donated to NVIC* by a courageous and compassionate American, who has pledged to expand national public education and state based advocacy programs.

This is a once in a lifetime opportunity to be part of building an effective, well-organized nationwide campaign to take back our freedom to make voluntary vaccination choices.

We Cannot Be Afraid

There is no time to waste. If we don't learn from history, we will repeat it. We cannot be afraid to empower ourselves as a free people and make our democracy work.

We *can* win back the freedom we have lost and take control of our health and the future of America. We can do it if we are as brave as those freedom-loving men and women, who founded America two centuries ago.

Be the one to stand up today to make sure that your children and grandchildren and all Americans will not live under tyranny tomorrow.

No forced vaccination.

Not in America.

To watch a 90 second video PSA on this topic, click [here](#).

References

¹ Supreme Court of the United States. [Russell Bruesewitz et al v. Wyeth et al.](#) No. 09-152. Argued October 12, 2010 – Decided February 22, 2011.

² Business Wire. [NVIC Press Release](#): National Vaccine Information Center Cites “Betrayal of Consumers by U.S. Supreme Court Giving Total Liability Shield to Big Pharma. February 23, 2011.

³ Alderslade R, Bellman MH et al. The National Childhood Encephalopathy Study: a report on 1000 cases of serious neurological disorders in infants and young children from the NCES research team. In: Whooping Cough: Reports from the Committee on the Safety of Medicines and the Joint Committee on Vaccination and Immunisation. Department of Health and Social Security, London: Her Majesty's Stationery Office 1981. [Br Med J](#) (Clin Res Ed). 1981; May 16; 282(6276):1595-9.

⁴ Cody CL, Baraff L, Cherry JD et al. [Nature and rates of adverse reactions associated with DTP and DT immunizations in infants and children.](#) Pediatrics 1981; 68(5): 650-60.

⁵ Coulter HL, Fisher BL. [DPT: A Shot in the Dark](#). 1985.

⁶ National Childhood Vaccine Injury Act of 1986 ([PL99-660](#)).

⁷ Institute of Medicine. [Adverse Effects of Pertussis & Rubella Vaccines](#). 1991.

⁸ Institute of Medicine. [Adverse Events Associated with Childhood Vaccines: Evidence Bearing on Causality](#). 1994.

⁹ Institute of Medicine. [DPT Vaccine & Chronic Nervous System](#)

[Dysfunction](#): A New Analysis. 1994.

¹⁰ The Economist. [Plagued by Cures](#). November 20, 1997.

¹¹ Enriquez R, Addington W et al. [The relationship between vaccine refusal and self-report of atopic disease in children](#). J Allergy Clin Immunol. 2005 Apr;115(4):737-44.

¹² McDonald KL, Hug SL et al. [Delay in diphtheria, pertussis, tetanus vaccination is associated with reduced risk of asthma](#). J Allergy Clin Immunol. 2008 Mar;121(3):626-31. Epub 2008 Jan 18.

¹³ Classen JB. [Risk of vaccine induced diabetes in children with a family history of type 1 diabetes](#). The Open Pediatric Medical Journal 2008; 2:7-10.

¹⁴ Haber P, DeStefano F et al. 2004. [Guillain-Barre syndrome following influenza vaccination](#). *Journal of the American Medical Association*.

¹⁵ Fisher BL. [Vaccines, Autism & Chronic Inflammation: The New Epidemic](#). National Vaccine Information Center 2008.

¹⁶ [Vaccine Adverse Events Reporting System](#) (VAERS). 1990 - January 25, 2011: 358,599 vaccine adverse events reported.

¹⁷ [Jacobson v. Massachusetts](#), 197 U.S. 11(1905). *LSU Law Center*.

¹⁸ Fisher BL. [Smallpox & Forced Vaccination](#): What Every American Needs to Know. National Vaccine Information Center 2001.

¹⁹ ACLU. 2009. [NYCLU Urges Public Education and Voluntary Vaccine for H1N1 Flu](#), Warns Vaccine Mandate Violates Privacy Rights. [Testimony](#) by Donna Lieberman.

²⁰ Fisher BL. [Forcing Flu Shots on Healthcare Workers: Who Is Next?](#) September 29, 2010.

²¹ See Reference # [5](#).

²² See References # [3](#), [5](#), [6](#), [9](#)

²³ See Reference # [8](#)

²⁴ Supreme Court of the United States. [Williamson et al v. Maza Motor of America, Inc. et al](#). No. 08-1314. Argued November 3, 2010 – Decided February 23, 2011.

²⁵ Time Magazine. Photo Archive: [Your Doctor Wants You to Smoke](#).

²⁶ Verkuil P. A Leadership Case of [Tobacco Use and Regulation](#). Benjamin Cardozo School of Law. University of Pennsylvania. 1998.

- [27](#) Consumer Watch.com. [Lawsuits: Car Steering Defect.](#)
- [28](#) Injury Board. [Mattel Settles Claim](#) Over 2007 Toy Recalls.
- [29](#) Injury Board, LawWiki. [Contaminated Food Products.](#)
- [30](#) Voreocos D, Johnson A. [Merck Paid 3,468 Death Claims to Resolve Vioxx Suits.](#) Bloomberg News. July 27, 2010.
- [31](#) The Pharma Letter. [First Acellular DTP Vaccine Licensed for Infants in U.S.](#) August 12, 1996.
- [32](#) Rock A. [The Lethal Dangers of the Multi-Billion Dollar Vaccine Business.](#) CNN Money. December 1, 1996.
- [33](#) FDA Consumer. [Kids Vaccination Schedule Changed.](#) Jan. 1986.
- [34](#) U.S. Centers for Disease Control. 2011 [Child & Adolescent Immunization Schedules.](#)
- [35](#) See References # [5](#)
- [36](#) See Reference #[6](#)
- [37](#) Vaccine Injury Compensation Program. Department of Health & Human Resources. [HRSA.](#)
- [38](#) See Reference # [1](#)
- [39](#) U.S. Department of Health & Human Services. Health Resources Services Administration (HRSA). [Vaccine Injury Compensation Program Trust Fund.](#)
- [40](#) U.S. Department of Treasury (Public Debt). [Vaccine Injury Compensation Reports.](#)
- [41](#) U.S. Centers for Disease Control. [2011 Adult Immunization Schedule.](#)
- [42](#) Drug Discovery & Development. [Vaccine Market A Refuge for Big Pharma.](#) January 13, 2011.
- [43](#) National Institutes of Health. [Clinical Trials – New Vaccines \(1,067\).](#) Accessed March 2, 2011.
- [44](#) [Vaccination Schedule – Canada](#) and Vaccine Risk Awareness Network (VRAN – [Canada’s Vaccine Exemptions](#)
- [45](#) [Vaccination Schedule – United Kingdom.](#)
- [46](#) [Vaccination Schedule – Australia](#)

⁴⁷ [Vaccination Schedule – New Zealand](#) and [informed choice in New Zealand](#)

⁴⁸ [Vaccination Schedule – Netherlands](#)

⁴⁹ [Vaccination Schedule – Germany](#)

⁵⁰ [Vaccination Schedule - Japan](#)

⁵¹ [CNN. Vaccinations or Jail](#): County's Threat to Parents. November 15, 2007.

⁵² See References # 18, 19, 20

⁵³ National Vaccine Information Center. [Cry For Vaccine Freedom Wall](#).