



Attorney General Rob Bonta
Office of the Attorney General
1300 I St., Ste. 1749
Sacramento, CA 95814

Via USPS and Fax.

May 5, 2021

Dear Attorney General Bonta,

I am writing to you as legal director of the Center for Inquiry, Inc. ("CFI"). CFI is an educational nonprofit organization dedicated to the promotion of science, reason, freedom of inquiry, and humanist values. So many of the advances that have improved lives across the planet can be traced directly back to science and critical thought, yet such principles are seemingly all too willingly abandoned when doing so is politically expedient.

The country is beginning to emerge from the COVID-19 pandemic—the availability of effective vaccines is widespread, and they will likely receive approval for people of all ages soon. The public health goal must be to get as many people as possible vaccinated. But even at this early stage, it appears that vaccine hesitancy may threaten the possibility of achieving herd immunity to COVID-19 in the United States.¹ We are therefore asking you to assist us in making sure that teenagers who show themselves mature enough to make the decision to be vaccinated are not prevented from doing so by anti-vaccination parents. Children have rights, and those who are mature enough to make informed medical decisions should not be compelled by their parents to remain vulnerable to a disease that can result in long term damage or possibly death.

It is unarguable that vaccination is one of the greatest—if not the single greatest—advance in public health. Diseases that used to blight communities and whose names instilled terror in parents have been brought under control or, in the cases of diseases such as smallpox and polio, eradicated in much of the world. According to the World Health Organization, between 2010 and 2015 alone, vaccines prevented at least ten million deaths.²

The measles vaccine, which had such a huge impact on the United States and the world, is a stunning testament to the benefits of vaccination. In the 1950s before the vaccine was available, the United States saw about 500 measles-related deaths a year reported to the CDC. With vaccination, the last death from measles in the United States occurred in 2015. In the mid-1950s, the United States reported over 600,000 annual cases of measles (with many cases going unreported); by 2001, this number was a

¹ <https://www.nytimes.com/2021/05/03/health/covid-herd-immunity-vaccine.html>

² <https://www.who.int/publications/10-year-review/vaccines/en/>

little over 100. Worldwide from 2000 to 2016, measles deaths dropped 84 percent, representing over 20,000,000 deaths prevented.³

But the example of measles also shows the dangers of complacency, and the impact of pseudoscience, when it comes to vaccinations. Andrew Wakefield falsely linked the MMR vaccine,⁴ which protects children from measles, mumps, and rubella, to the development of autism in children. His findings were later retracted by the *Lancet*, but many still cite his false findings as a reason to avoid the MMR vaccine. There has also been an increased willingness of parents to take advantage of religious and philosophical legislative exceptions to vaccination mandates, so more children are entering the school system without the best protection against infectious diseases science can provide. As a direct result, measles infection rates (as well as those of other vaccine preventable diseases) have spiked. In 2019, 1,282 measles cases were reported in the United States, the highest total since 1995.⁵ UNICEF, the United Nations' agency responsible for providing humanitarian and development aid to children worldwide, is blunt about what caused these spikes in the United States and other countries: "lowered vaccination rates."⁶

Now, the health crisis that is front and center throughout the United States is COVID-19. Almost two-thirds of a million Americans have died from the disease. Millions more have suffered symptoms, from mild to long term and debilitating. The rapid development of multiple vaccines has provided us with the hope of getting life back to normal. To achieve herd immunity, and to protect those who for medical reasons cannot receive a vaccine, as a nation we need to get vaccines into as many arms as possible as quickly as possible.

It is in the benefit of everyone that as many people who can provide informed consent are vaccinated. However misguided they may be, an element of the population will always refuse a vaccine that is not made directly compulsory. However, as the vaccines are approved for children aged twelve to sixteen, we will be faced with an entirely new question: What do we do with those children who wish to receive a vaccine and are mature enough to make that decision for themselves but whose parents refuse to allow them to be vaccinated?

There is little doubting the stakes for children here. The health risks of not being vaccinated against COVID-19 are extremely significant. While the death rate for teenagers is lower than it is for seniors, teenagers still risk major harm, the long term impact of which is unknown. The Mayo Clinic describes Multisystem Inflammatory Syndrome in Children (MIS-C) as "a serious condition that appears to be linked to coronavirus disease 2019."⁷ Even otherwise healthy younger people have been shown to be at significant risk. The Ohio State University athletes who suffered from COVID-19 were later tested, with 15 percent showing evidence of myocarditis and a further 30 percent having cellular damage and swelling that could not be definitively linked to the condition.⁸

³ <https://www.idsociety.org/public-health/measles/myths-and-facts/>

⁴ <http://www.cnn.com/2010/HEALTH/05/24/autism.vaccine.doctor.banned/index.html>

⁵ <https://www.cdc.gov/measles/cases-outbreaks.html>

⁶ <https://www.unicef.org/stories/measles-explained-whats-behind-recent-outbreaks>

⁷ <https://www.mayoclinic.org/diseases-conditions/mis-c-in-kids-covid-19/symptoms-causes/syc-20502550>

⁸ <https://www.the-scientist.com/news-opinion/college-athletes-experienced-heart-damage-after-covid-19-study-67929>

The consequences for a teen who is denied the opportunity to receive a COVID-19 vaccine, or indeed any of the vaccinations, can be extremely damaging or even fatal. Even beyond the health impact, educational opportunities and participation in extracurricular activities may be tied to being vaccinated, creating a further harm to the unvaccinated child.

In your state, a minor cannot be vaccinated without parental consent. This parental veto exposes those minors who are mature enough to make that decision themselves to unnecessary risk of harm. CFI believes this violates a fundamental right recognized by the Supreme Court. In *Bellotti v. Baird*, 433 U.S. 622 (1979), the Supreme Court invalidated a Massachusetts law that required parental consent for abortions. It was deemed unconstitutional unless minors were provided with an opportunity to demonstrate to a judicial official that they were mature enough to make the decision of obtaining a termination without their parents knowing or consenting to the procedure. The Court noted that “a State could not lawfully authorize an absolute parental veto over the decision of a minor to terminate her pregnancy.” *Id.* at 639. Beyond that, the Court ruled that “if the State decides to require a pregnant minor to obtain one or both parents’ consent to an abortion, it must also provide an alternative procedure whereby authorization for the abortion can be obtained.” *Id.* at 643.

By preventing mature minors from obtaining vaccinations without parental consent, your state is both hampering its ability to bring COVID-19 (and any future pandemics) under control, as well as violating the fundamental rights of teenagers in the state. To prevent the need to vindicate such rights through litigation, we are hereby requesting that either through legislative action, or through a determination by your office that existing law already requires, that an alternative process to obtaining parental consent through judicial proceedings or “a juvenile court or an administrative agency or officer,” *Bellotti*, 433 U.S. at 643, n.22, be established whereby mature minors can be vaccinated without parental consent or notification.

In absence of such action, CFI will be compelled to bring action on behalf of individuals prevented from being vaccinated and medical professionals prevented from administering those vaccines. It is of paramount importance that as many people are vaccinated as soon as possible. Let us not allow parents operating on misinformation to prevent those children who are capable of providing informed consent from taking such a major step in protecting their own health and the health of others.

Yours,

A handwritten signature in dark ink, appearing to read 'N. Little', with a stylized flourish at the end.

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