



The Solari Report

JANUARY 24, 2013



Coming Clean: The Ins & Outs of Vaccine Exemptions

with Alan Phillips

Immunization History

of the basic immunization and recent boost

Hemophillius influenza

Hepatitis B

Varcella

(Chicken Pox)

BCG



Coming Clean: The Ins & Outs of Vaccine Exemptions

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C. AUSTIN FITTS: Well, it's my great pleasure to introduce tonight someone who's been on the Solari Report before, Alan Phillips, an attorney from North Carolina who has written a definitive book on vaccine exemptions and is the leading attorney in this country on vaccine exemptions, has a national practice for helping people with federal law. We'll talk more about that with Alan. Alan joined us on the Solari Report in 2009 when I was exceptionally concerned about helping our subscribers assert their religious or other exemptions to efforts to mandate the swine flu vaccine, which I was concerned was very dangerous. And we saw a real effort at that time to try and change state laws to simply mandate the swine flu vaccination.

There was a tremendous groundswell against the swine flu vaccination and that literally stopped it dead in its tracks, I think, in no small part thanks to the health care workers, many of whom said, I'm not going to take the vaccination and I'm not going to give the vaccination. Now what happened is we saw the same thing happen on vaccinations that we were watching on the push for gun control, which is a real pushback from people knowledgeable about the topic and a conversion of an effort to mandate to a conversion to sell, sell, sell.

And what you've seen since then is the tremendous effort to market and push and regulate for more vaccinations. And it was one of the reasons that I very much was appreciative that Alan could come back and join us this evening because we've seen a really broad effort not just to encourage, but to use regulation and workplace rule to force greater vaccination. And so for those of us who are insistent that were not going to be vaccinated or were not going to allow our children to be vaccinated or over-vaccinated, whatever your policies are it is very, very important



that you understand what your rights are and you know how to exercise exemptions. And if you're having any difficulty doing so, to know how to get expert help to do it. And so with no more introduction, Alan, are you with us?

ALAN PHILLIPS: I am, Catherine.

C. AUSTIN FITTS: Well, thank you very much for joining us. I know how busy you are, and speaking of how busy you are, I would like to start this evening by you explaining to our listeners tonight, many of whom were not with us in 2009, how it was that you became so interested in vaccines and literally went from being an attorney in private practice dealing with business and other matters to somebody who is now the leading expert on vaccine exemption?

ALAN PHILLIPS: Well, actually, Catherine, my professional background is in music and technical writing. If you would have told me as a young adult that one day I would be an attorney or I'd be involved in legislative activism, I probably would have been on the ground, laughing.

Seriously. It was the farthest thing from my mind. When my now 19-year-old son was born, a friend of mine told me that another friend of hers had a child who had been permanently disabled by a vaccine. I had never heard of such a thing, and so I went to the library and I found a wonderful book. I still think its one of the best books to start with for people new to the issue by Neil Miller called *Vaccines: Are They Really Safe and Effective?* and its short. You can read it in maybe half an hour, but its just meticulously referenced, mostly to publish medical studies, and it really was an eye-opener for me. I was in such shock.

It was literally about six months before I could open my mouth and talk to anybody about it and its been difficult to find people to talk about outside my practice anyway. Ever since, although I have slowly but steadily gotten a little more emboldened and I just go ahead and put it out there and tell people what I do. But anyway, I'm a so-called second-career attorney, or maybe 32nd, depending on how you count. But I was moved to go to law school because of the vaccine issue and I was for



many years I've been practicing law about ten years now and for a large part of that time I was building the exemption and waiver part of my practice and doing other family-law and general-practice matters.

But I'm exclusively focused now on vaccine exemptions and waivers and I do a lot of legislative activism, helping people with the more technical legal aspects of vaccine legislative issues. So that's really how I got into, and I just have really never turned back since first looking into it. Again, I've been looking into the issue. It's an ongoing research project as a parent and citizen and I find that really the quickest and simplest way I can summarize what I have found and keep finding over the years and the issue just generally the larger vaccine controversy is the deeper I dig the messier it gets.

But that's kind of it, and when I started working with exemptions and waivers I was quite naive, it turns out, about what that really encompassed. Again, it sort of depends on how you count, but I've discovered and worked with people in well over a dozen different exemption waiver contexts or sub-contexts. For me, any time different law is involved I consider it a separate category. So by that definition there is I don't know 12, 15 or more different areas. Were all familiar with schools, for example, and school vaccine requirements and exemption issues, but there are many subcategories there. There are public schools, private schools, homeschooling, military schools, colleges.

A whole separate issue that comes up with nursing and med students, EMT students when they have to do clinical rotations in local hospitals. The state exemption laws don't apply to the hospitals, and so there's different law involved there. So all of these different areas immigration, foreign adoption is a subset of that, military. There are military members, families, military contractors. There can be different laws involved in each of those different situations and even with different

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branches of the military. One area that's been emerging increasingly over recent years for me is what I refer to as vaccine custody disputes.

The typical case is where parents agree not to vaccinate until they split up or get divorced and one parent usually the dad, not always, but usually it's dad who decides he's going to go pro-vaccine and try to make Mom look like a fruitcake and grab custody, and there are unique legal issues in those matters that family law attorneys generally don't come up with or know about because you have to approach it differently than other custody matters. So it's just a topic, and then a huge one that I've been working with a lot in recent months then health care workers or you could generalize that to employees or hospitals around the country. And most of the time this has not been about state laws; it's just hospital policy, where they mandate flu vaccines for the health care workers as a condition of employment. Get the flu shot or lose your job.

C. AUSTIN FITTS: Let me jump back because when you and I spoke in 2009, when you joined us on the Safari Report, it's fair to say that from that time on, when the effort to sort of mandate the swine flu failed, my impression is there has been sort of a wave of what I describe as trench warfare, an effort on a much more granular level to institute whether it's rules in schools or rules in hospitals, rules in the military and also more state laws to push to get vaccination much more implemented. So with the backlash from the swine flu, there's really been a sort of new wave of trench warfare in this area. Is that a fair description?

ALAN PHILLIPS: I have seen a very aggressive I don't even know what to call it. Let's just say push for vaccines on multiple levels, and I've been particularly aware of this since around the time of the pandemic and since then. I think there are a lot of people who are aware of one or more parts of this, but I don't think there are very many people really looking at kind of the overview. I wouldn't be surprised if there were aspects to this that I'm not aware of either. But there's language in Obamacare, for example, that gives federal grants to states to push vaccines, including things all the way to the level of going door to door, checking vaccine status or offering vaccines. The Department of Health and Human Services has an initiative called Healthy People 2020.



Among their goals are vaccinating 90 percent of health care workers but also vaccinating all employees in the US, not just health care workers. There's been a wave of changes in pediatric practice, where pediatricians initially were increasingly using an American Academy of Pediatrics form called a Refusal to Vaccinate form where they're requiring parents to sign a form that effectively says what a bad person you are for not vaccinating if your children are unvaccinated before they would treat the children, putting parents in a really awkward place because they were being told to sign something they disagree with if they want their child to be treated. They've got a step further than that. Now I'm hearing from people around the country saying that pediatricians are just flat-out refusing to see any unvaccinated child.

C. AUSTIN FITTS: There have been many reports about that this year.

ALAN PHILLIPS: Yes. I mean, increasingly over the last several months. Even a pediatrician in private practice, if they accept Medicaid and Medicare, is probably violating the parents constitutional rights if the parents have a religious exemption. But just sort of flat-out, whatever reason, if you're not vaccinated you can't bring your kid here raises some ethical and legal issues. There has been a rash of new laws passed around the country, and particularly in the last couple of years, and there are pending bills in other states to restrict access to exemptions, in particular for school exemptions kids in school.

And some of these laws, in my opinion, are unconstitutional, but just to clarify that, a law technically is not unconstitutional until a court says so. So state legislatures or the federal legislature, for that matter, can pass any law they get the votes for and have the governor sign or the president sign or whatever the procedure is. Ultimately, whether it's constitutional or not, because until someone later challenges it in court, it is technically deemed to be constitutional. So when I say unconstitutional, what I mean is I don't think they would hold up to a challenge in court, basically.

C. AUSTIN FITTS: Right. Now what stunned me today was your description of several state laws, which have basically taken the power away from the



parents so that now a child, including a very young child, can consent without the parents knowledge or permission. Maybe you could just describe that as well.

ALAN PHILLIPS: Sure. The most egregious, I'm embarrassed to say, is right here in my own state of North Carolina. I stumbled on the existence of this law several months ago when one of the local school districts had a contest where they were giving away an iPad and, I think, a laptop computer for adolescents who would go out and get one or more of the three recommended vaccines.

They weren't required by state law DTaP, meningitis and HPV vaccine. And discovered that theres a law here in North Carolina that allows a child of any age the very first two words of the law are the words, Any minor to consent to vaccines and other medical treatment without the parents knowledge and consent. And try to make a longer story short, thats just blatantly unconstitutional. Parents in the United States have a constitutional right and obligation to parent their children and theres a U.S. Supreme Court case that says children cannot make medical decisions for themselves. The parents have to make those decisions, even older children.

If they're still minors, parents have the authority and the obligation to make those decisions. Obviously, there could be specific instances where a parent is adjudicated to be unfit and then, of course, some other adult has to make decisions for that child. But the state cannot constitutionally take parental authority away from all parents in the state and give it to anybody else, not even another adult, let alone children who, by legal and medical definitions both, are not competent to make those decisions. So its very disturbing when that kind of law is on the books.

C. AUSTIN FITTS: One of these states is California. Is that correct?

ALAN PHILLIPS: Yes. They have a law that passed, I think, January 1 a year ago, or that took effect January a year ago, allowing 12-year-olds and up to consent to the HPV vaccine without parental knowledge and consent.



C. AUSTIN FITTS: So if I live in California and I have a child who is 12 to 18, I'd better be aware of this and be prepared to educate my child to not consent if that's what is desired.

ALAN PHILLIPS: I think so. I was reading about a court case recently where it was during the pandemic in 2009, I think, where they were giving the swine flu shots at school and the parent had a form saying that she did not give consent. And for some reason I'm sure just a mistake on somebody's part the child ended up getting vaccinated anyway. You know, I've heard other people suggest very common sense advice that if you know vaccines are being administered at your child's school and you don't want your child vaccinated, just keep your child home that day. That's the only way to really ensure that there are no mistakes, but it's particularly disturbing when a child of any age can do that because how can you educate a second grader to say no to vaccines or to even put a child in the position of having to deal with that.

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C. AUSTIN FITTS: Right. They shouldn't even be in that position. Well, let's turn to exemptions and how we can learn to exercise our exemptions. And two of the areas I'd like to focus on because, as you said, there are 12 different categories and subcategories. And before we continue, I just want to point out that you have an excellent book I have it on vaccine exemptions and it really is the definitive work in the area. You can access it on your website, which we'll give out at the end, and we link to it on the blog.

So if this is an area where you're going to need to be exercising exemptions, this is absolutely sort of the definitive work in the area and I would encourage you to get that book. But let's just focus on schools and health care workers and maybe hospitals, and let's start with schools, Alan. If I have a child in school and let's just assume public schools here and whether it's state law or the school practice, they are requiring vaccinations and I don't want my child to have a vaccination. What are



my rights? What can I do?

ALAN PHILLIPS: Well, the first step is to see what the exemption laws in your state are because the laws vary from state to state. The federal government at least, theoretically does not have the authority to mandate vaccines for state residents and that's why the laws are all at the state level for school enrollment, vaccine requirements and the exemptions as well. The wording of the law and the exemption options are just going to vary from state to state, but generally there are three different types of exemptions: medical exemptions every state has medical; religious exemptions 48 states have one form or another of religious exemption, all but Mississippi and West Virginia; and then philosophical exemption.

About 20 or so states have an exemption where you just don't have to explain yourself, you know, give some sort of medical or religious explanation. You just, in effect, say, No, thank you. Most of those are west of the Mississippi. There's maybe about three states east of the Mississippi that offer the philosophical exemption. But again, the specific procedure is going to vary state to state. Some states have a form; some don't. Some with a religious exemption you have to spell out your beliefs and others you don't. You really just have to look at each state individually the laws.

I want to comment, if I may, on this because you've mentioned that you have a lot of listeners in California, and Oregon is looking at passing a law that looks like it would resemble what California has now, in that the law doesn't mention the word religion or religious. A lot of people, I think, misinterpret that to mean that there's no religious exemption there. You have to look at the language and there's a legal principle that is generally applicable, I suspect, in all states that in effect amounts to if a law is unambiguous if it's clear by its plain English language, meaning it means exactly what it says, nothing more, nothing less.

So if you have an option for an exemption and you don't have to explain the reason you know, in California I think they use the phrase personal beliefs that would certainly encompass any personal belief, whether its



religious or not. So people can still refuse and its my understanding the California Department of Health has confirmed this. Thats not just my personal opinion on that, but you have to look and see what the procedure is. Now on my website I have a page where I list links for every state to three other websites that post the state exemption laws. And the laws do change from time to time, but I think these are fairly reliable sources.

Probably every state, or just about every state at this point in time, has a website where the general public can go to search statutes and regulations. But I do encourage people when you're looking at the law to look at statutes and health department regulations because sometimes the entire law and procedure would be just in the statutes. But I think probably more often than not you really need to look at a combination of exemptions, statutes and health department regulations to get the whole story. What are the exemption options? What is the correct procedure?

And the place to be particularly concerned is any situation where, with religious exemptions, that you have to state your beliefs because on the one hand, Catherine, even with state exemption laws, what determines what does and doesn't qualify for a religious exemption ultimately is the First Amendment of the constitution. And under the First Amendment, just about anybody who's not an atheist could potentially qualify for a vaccine religious exemption. And under federal civil rights law, that applies to employees. Theres even language that encompasses a narrow category of beliefs you could hold as an atheist that are protected religious beliefs.

So in terms of who can qualify as a general starting point, for the most part its really broad. There are a few states that still have antiquated laws that require you to be a member of an organized religion and thats a little more complicated. Those are unconstitutional laws and arguably unenforceable as to the organized membership requirement. 30 there are ways you can deal with that issue, but as a general rule its really broad. Where it gets tricky, though, is with regard to what specific beliefs do and don't qualify. In my experience, most people who approach this on



their own, if they're in a situation where their beliefs are going to be scrutinized and that is a separate question that can vary from state to state or context to context most people will include things that can complicate or even undermine the right.

Its just the way the law works in this area, its a little bit tricky. Let me give you one classic example because I kind of hate to say that as a general concept and just leave it floating out there. Many people when they write a statement of their religious beliefs that are opposed to vaccines want to bring in a discussion about vaccine safety or vaccine effectiveness. And when those kinds of issues are addressed in a situation where the beliefs get scrutinized, they almost always get rejected because those are issues that are considered to be medical or scientific issues and not religious, for one thing.

For another thing, as a legal technicality, you can argue and I do that vaccines legally are safe and effective. Theres a legal presumption. Let me be a little more precise a legal presumption that vaccines are safe and effective. They would not have been licensed by the FDA if they weren't safe and effective. They would not have been mandated by state legislatures if they were not safe and effective. Now I don't personally believe that for a second.

My point here is about legal status, and for purposes of writing a statement of religious beliefs, thats the wrong place to address the issue. I'm not saying that if you disagree with these legal presumptions; I'm positing that theres nothing we can do. Its about where you do it. We need to go back to the state legislatures and say, Heres the information about vaccines you haven't seen or were mislead about or didn't know or what have you, and get them to change the laws. That will change the legal presumptions.

C. AUSTIN FITTS: In the middle of trying to exercise an exemption, its not the time to try and reinvent the law.

ALAN PHILLIPS: Exactly, and its not the time to try to argue with people who aren't going to be able to hear you anyway that theres a problem with



vaccines. The place to take the problem with vaccines issue is the legislatures, not in a vaccine religious exemption and for the most part, I think, not in the courts. But we'll have to see how some cases play out.

C. AUSTIN FITTS: So it's very important before I try and exercise a religious exemption to understand what the boundaries are in that process within the state that I'm in?

ALAN PHILLIPS: Find out what the procedure is in your state and make sure you're clear, first of all, that there is a religious exemption option. But you need to see what the particular language of the law in your state is and what the procedure is, but as a general rule in terms of the boundaries of what does and doesn't qualify, that's a federal First Amendment constitutional question. It's not an issue at the state level unless you're in one of the handful of states that has one of these laws where they still say you have to be a member of an organized religion.

But those kinds of laws were challenged in at least five different states in state or federal court and every time they were held to be unconstitutional. So the states that still have those kinds of laws Oregon has one right now; South Carolina. There are probably a few others. Those laws are pretty clearly unconstitutional because they've been held to be unconstitutional every time they've been challenged in the past. It's just that nobody has gotten around to challenging them in those states yet.

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C. AUSTIN FITTS: Yeah. So within schools we've talked about religious exemptions. What are the other exemptions that a parent could potentially exercise within a school context?

ALAN PHILLIPS: Well, medical exemptions are available everywhere. They're pretty difficult to qualify for. This is true of medical and religious, this next point. In some states the state has authority to scrutinize the



exemption and in some states it doesn't, and it just depends on the specific wording in each state. So if you're in a state that can't scrutinize the exemption let's say, for the medical then if a doctor says, I recommend this person or child not get the vaccine, then you're good to go, in terms of school exemptions anyway. But in many states they can challenge the exemption. Let's face it, Catherine. Everybody knows that a bureaucrat sitting in an office in the state capitol knows more about your child's health than your child's doctor.

Obviously, I'm being facetious, but there are instances where a doctor recommends the child not get vaccinated and the state says, No. We don't accept this doctor's opinion, and then the child has to get vaccinated anyway. These kinds of things I find rather disturbing, but it does happen.

C. AUSTIN FITTS: Alan, what do you do if - because I've heard a parent say this before - if the school tells you, Well, there's no such thing as an exemption. You can't exercise an exemption. What do you do?

ALAN PHILLIPS: Sometimes one of the simplest and least expensive ways out is to call the Health Department and see if you can get them involved. I had a situation here in North Carolina once where a client called me, and a junior high school principal tried to tell the mother that she had to be a member of an organized religion, and we don't have one of those kinds of laws here in North Carolina. We have a real simple, two-sentence law. Paraphrased, it says, If you have a sincerely held religious belief, you are exempt, and the second sentence says, Write a statement of your beliefs and that takes the place of the certificate of immunization that you would otherwise have to provide for school enrollment.

So the principal was completely out to lunch and I was prepared to get in as an attorney and write a letter and charge my client an appropriate attorney fee. And I don't remember in this instance how it happened, but the Health Department got involved and they called the school and explained it to the principal. And this woman saved some money in what would have been a more difficult battle, potentially, getting me involved. So a lot of times when people have questions or concerns I say it might



depend on exactly what the issue is, but you might be able to clarify them with the Health Department because if an attorney makes an argument, the people on the other side can just hire their attorney to make a counterargument.

If the Health Department says, No. There's a right here and here's how it works, they're probably going to not try to contest that. But there are certain other kinds of issues where you really do just have to pull an attorney into it. I've had situations where private schools say or believe that the exemption doesn't apply to them, and the answer to that question also varies from state to state, depending on the wording of the laws. But that's an example of an issue where an attorney can get involved in explaining, Here's the law and the proper interpretation.

Or sometimes schools as do the vast majority of hospitals that I've worked with they think you have to have a member of the clergy be involved or what have you. And most of the time that's not true, according to the state laws for school exemptions. And when it does say that in the state law, it's arguably unenforceable because it's unconstitutional. So sometimes I've been able to work with people in those states and help them get the exemption even though they didn't qualify according to the word or letter of the law because that part of the law is unconstitutional.

C. AUSTIN FITTS: Okay. So let's turn to health care because the reason you and I started talking again about doing the Solari Report is because there's a real push now to get health care workers vaccinated and to adopt through the workplace much more aggressive vaccination policies. So maybe if you could bring us down on what's been going on in hospitals and health care and what is happening and how exemptions can help doctors, nurses and other health care workers?

ALAN PHILLIPS: I heard this from a hospital attorney and I haven't yet had the time to track it down and pinpoint in writing in the law, but it's my understanding that not all of this but Medicaid and Medicare CMS, the Centers for Medicaid and Medicare Services first of all, this part I am clear about is requiring hospitals to report staff immunization rates as of



this year, I believe. And my understanding is they're going to be withholding eventually up to two percent of Medicaid and Medicare reimbursement from hospitals that don't have a 90-percent vaccination rate. Now this is everybody.

I have heard, of course, from nurses and doctors and therapists but I've heard also from a hospital cook and the guy who does data entry in a building down the street that isn't even in any way remotely connected or associated with patients directly. Everybody is being required to get the flu vaccine in hospital settings and they seem to be hospital administrators particularly not interested or receptive to having a conversation about the merits of the policy itself. And I think that's in large part because their hands are tied. It's a money issue and they're not going to, out of some sort of idealistic position about vaccines, give up part of their Medicaid and Medicare reimbursements. So I think that's a lot of what's driving it at least, my understanding at this point.

But I worked with health care workers back in 2010 and 2011, but this past fall the issue just exploded. I've never had so much work in my life, frankly. I ended up working with about 150 health care workers in 26 states last fall and early winter and had because of that a very interesting and I think unique exposure and experience, sort of a cross section of the nation, if you will, on what's going on in this issue. And there were three or four things that really stood out to me, Catherine.

First of all and this was disturbing to me was the vast majority of hospitals that I've had exposure to through my clients have implemented exemption policies, and specifically with regard to religious exemptions, unlawful policies. The vast majority of them have a policy requiring you to have a letter from a member of the clergy or a member of the clergy to sign their form or some involvement, and to validate that you are a member of an organized religion that has tenets opposed to immunizations. And that's just blatantly unconstitutional and in violation of a federal civil rights law, the 1964 Federal Civil Rights Act and the part of that called Title VII that deals with discrimination in the workplace.



So I have been helping educate hospitals around the country about Title VII and the boundaries of the right to refuse vaccines for religious reasons in the workplace. This is an area where, of course, they're coming from a position of doing anything and everything they can to maximize immunization rates. And if you, the employee, want to bother to go out and spend your time and money figuring out what your rights are and getting an attorney or whatever, then you can do that. But I am happy to say that it appears that many of these hospitals are changing, have been changing their policies. Its not clear in other instances whether they're just letting my client through and they're not going to change the policy for anyone else or not, although I suspect thats gone on in some cases.

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But I've had, for the most part, broad agreements with hospital attorneys when they get involved and the vast majority of my clients have been successful. The ones that are the most difficult for me are one who've tried on their own first, get rejected and then they come to me because almost everyone who does that has done the very first thing I tell my clients not to do when they come to me up front. 30 it is a classic example of one of those arenas where your beliefs are going to be scrutinized. They are going to look for a way to reject you and many times I've had to even write to hospital CEOs to try and get someones attention. I've discovered that when you write to the CEOs, the information very quickly gets to the hospital attorney and then things usually work out for the best.

C. AUSTIN FITTS: We have a question from a subscriber asking about universities and whether or not vaccinations are required for admission or enrollment and what you do in those circumstances.

ALAN PHILLIPS: Yeah. Most if not all states now require some vaccines for college students, just like they do for grade school. And as far as I know, any time a state mandates vaccines at either the grade school level or



college level, they'll usually have very similar if not the same exemption options and procedures in both arenas. The place that gets tricky, as I mentioned a little bit earlier, and the exception to this is with health care curriculums, where the students have to do clinical work in local hospitals. What the schools do is contract with local hospitals to provide vaccinated students and the schools will tell the students, Well, the state exemption is fine for the classroom but its not for the hospital because the hospital is requiring it as a contractual condition and as a policy matter. Its not a state-required vaccine and therefore the state law doesn't apply.

Thats probably correct, but it turns out that the Federal Civil Rights Law we were just talking about that applies to employees has language that covers students doing clinical rotations in local hospitals. The language has to do with not only employees but uses the word, Apprenticeship, or, People in training. And thats clearly whats going on when a nursing student, for example, is doing clinical rotations in a hospital as part of her nursing school curriculum. So the Civil Rights Law provides an out, but I have never found a school in terms of my clients a school or a hospital that knows about this law. And so its a situation where students need two things.

They need a legally sound statement of beliefs, but they invariably in my experience will also need a letter from an attorney to the appropriate school administrator or other persons explaining to them that, yes, you're correct. Theres probably not a state law right here, but there is a federal law right for the students to refuse vaccines. So a lot of my work in this area employees and health care curriculum students is about educating schools and hospitals about the federal law.

C. AUSTIN FITTS: Another question is, Is it true that schools are compensated by, they said, Government or Big Pharma for the number of students that they achieve vaccinations for? So is there, in essence, a financial kickback?

ALAN PHILLIPS: I have heard information about this. I don't have a specific example off the top of my head, but I recall in recent years having seen



information about school vaccination rates being tied to state and/ or federal funds. 50 I can only respond to that generally, that its my impression that that has occurred in at least some instances, but thats as precise of an answer as I could give right now.

C. AUSTIN FITTS: I'll tell you. My impression from talking to parents and health care practitioners all over the country is they have far more power to exercise exemptions than they know and theres a great effort to kind of not let people know this is available and they feel somewhat cornered, as though they have to go along. And I think the thing that most impresses me and there are many things that impress me about your work and your practice, Alan, but that most impresses me is you've really made an effort with your book and all your research and practice to really teach people about the power that they have under the law to protect themselves from vaccinations if they don't want to take them. And so, on behalf of all of us, I just want to say, Thank you, and ask you again if you would walk through whats on your website. Give us your URL and the name of your book, how to buy it. Just walk us through all the resources you make available so that those of us who are going to be in a position to need to exercise our exemptions can get a hold of this. And then explain whether or not and how you're available also to help.

ALAN PHILLIPS: I'd be delighted, Catherine. My primary website is vaccinerights.com. I have a secondary website. Its linked on the home page of vaccinerights.com, so you don't need to memorize the URL, but its the Pandemic Response Project and its those three words pandemicresponseproject.com. But on the vaccinerights.com website I have a lot of free introductory information about exemptions in all the main different categories I've mentioned. My e-book is there. Its only available as an e-book. You can buy it online or you can order it through the mail. Some people don't like to use a credit card over the Internet, and so people can order it through the mail and I'll get it to them. Its still the electronic book, but on a disc.

My goal with the e-book its called The Authoritative Guide to Vaccine Legal Exemptions and I saw a lot of conflicting information on the Internet, and its a sensitive comment here and I just want to be really



careful to state that I mean absolutely no disrespect for anyone. But I find that anti-vaccine websites on the whole not all, but on the whole when they get into details about exemption and waiver rights and procedures, they end up with a mixture of accurate and inaccurate information. And I wanted to help clarify some of those points and to even take it deeper, so that's why I wrote the e-book.

The goal for the e-book is to give people the information they need to make informed vaccine exemption and waiver decisions, including such things as when do you need an attorney because sometimes you do and sometimes you don't. But it's sort of like I say to people, If you have to state your beliefs, that's a place to consider, especially if they can be scrutinized. That's a place to consider having an exemption because if you put something together and put it out there and it had some sort of technical legal flaw to it, it's just really hard to un-ring that bell, really difficult to come back later.

C. AUSTIN FITTS: You are new at this and you're up against experts.

ALAN PHILLIPS: And depending on the situation, some school exemptions, like I say, you just sign a form or check a box. You don't have to hire an attorney to figure out how to do that, you know?

C. AUSTIN FITTS: Right.

ALAN PHILLIPS: So everybody doesn't need one, but anybody who wants to know more about the law in general, the e-book is a great resource for that. I had an instance recently, Catherine I'll try to be real brief here because I know I'm going a little bit on a tangent, but it was such a mixed blessing. I got a call from somebody with ABC and they put out an article nationally recently about some Indiana nurses who got fired, and I represented some of the nurses at that hospital. They made a statement in the article, though, that was really frustrating and I'm sure it was accidental. But they were quoting me having said that the law this is the Federal Civil Rights Law for employees but the law is so broad that it protects any sincerely held belief.



And I specifically said, as I do to all my clients, to the reporter or the journalist in this article that the law does not protect any sincerely held religious belief. Its really, really broad in terms of who can potentially qualify. So I've got this national attention, national mention and yet was misquoted, and so that was sort of a mixed bag for me. But as we've mentioned, there are many, many different areas where exemption and waiver issues come up and the most important, I think, single piece of advice I give people generally is that if you are doing a religious exemption and you have to state your beliefs, thats the place to consider, one way or another, getting information about what does and doesn't qualify because its not always consistent with most peoples common-sense approach.

“The most important single piece of advice I give people generally is that if you are doing a religious exemption and you have to state your beliefs, thats the place to consider, one way or another, getting information about what does and doesn't qualify...”

And its a self-serving thing to say and I'll just acknowledge that conflict of interest right up front because, as far as I know, there isn't anybody else in the country doing what I do to the extent that I do it. A lot of attorneys who, to one degree or another, have exemption work as maybe sort of a sideline or who help nurses in this situation as part of larger employment law, for example. But nobody who really focuses on it the way that I do, but its good to work with an attorney if you've got to state your beliefs as sort of the general rule of thumb there. The Pandemic Response Project website is something that came out of my realization during the swine flu pandemic that most states have laws that if the state declares an emergency and mandates an emergency vaccine, your routine immunization exemptions go out the window.

So historically, wherever we've had a right in a state for a philosophical or religious exemption, its always been a qualified right. Its always been they're only up to the point that the state says, Oops, never mind, and I think that most people don't realize that about routine exemptions. Its not an absolute right and this is something. There is a whole other story I wont take time to try to get into, but there was a Model State



Emergency Health Powers Act that was put out right after 9/11 riding that wave of fear from 9/11 that was successful in changing laws and states around the country, passing overreaching laws, giving the state excessive authority. And one part of that was laws throwing exemptions out the window routine exemptions during emergency times.

So when an emergency is declared the legal landscape changes, and the goal of the Pandemic Response Project is to change emergency health laws, primarily at the state level, and then secondarily to support and promote informed choice generally, and that's primarily a legislative agenda. There's a wonderful website. It's associated with the National Vaccine Information Center, a nonprofit organization. It's nvicadvocacy.org. This is a website dedicated exclusively to vaccine legislative issues. You can go to the home page and see a list of current pending bills that are either trying to add more vaccine requirements for kids in school or trying to pass exemptions.

There have been several states and there's a fast-growing trend that have either already passed laws or are trying now as we speak to pass laws restricting access to school exemptions, a wave over the last couple of years, in particular. And many of them are, in my opinion, unconstitutional. These are unconstitutional restrictions. They're trying to combat what has been a slow but steadily rising exemption rate around the country as more and more people become aware of the vaccine issue and start looking for ways to opt out. So it's a real curious time, Catherine, because there is growing pressure on multiple levels to force and impose more vaccines at the same time that they're trying to restrict access to exemptions. And yet there's a growing awareness about the vaccine controversy and a growing number of people questioning vaccines and asking and looking for ways to opt out. I'm not sure how this is going to play out. It's very, very, very interesting.

C. AUSTIN FITTS: The trench warfare is on in this area.

ALAN PHILLIPS: Yes.

C. AUSTIN FITTS: Before you go, I just wanted to also mention that our



choice for Lets Go To the Movies is a documentary that was published in 2011, which I watched when it first came out, called The Greater Good and its about childhood immunizations. And it tries to present sort of the pro-vaccine and anti-vaccine points of view, so it tries to give a balanced approach. And one of the things it does is it shows a series of different families, literally three families whose lives have been, as they described, forever changed by vaccination. I would say it shows you how a vaccination that harms a child can literally destroy a family, including bankrupt them financially.

And because its in the midst of this balanced approach, I think it does a very good job of underscoring the risks of this and why its worth taking the time and effort to really do the exemption process right if you have this concern, particularly with respect to your children. Theres some very good descriptions in The Greater Good of the incredible barrage of vaccinations that are now given to little children and just the extraordinary impact on their immune system. Its quite remarkable, so I recommend it to you The Greater Good. Well, Alan, theres so much more. I could talk to you forever.

But we've all gone over our time. One, I want to thank you; but two, I really want to encourage anyone healthcare workers, parents, people who know people in that situation to make sure to let everyone you can know about Alan's website, his books, his work because they're extraordinary resources for winning a trench warfare in this area. And I suspect many of us are going to need this knowledge and I think this knowledge will make us all more powerful; and make us more powerful not only to protect ourselves and our families but many other people that we love and care about. 50, Alan, we will spread the word and we will try and encourage everyone to access what you are doing and all the resources you provide, and from the bottom of my heart I cant thank you enough. As I said on the blog, theres nothing like a great attorney when you need one.

ALAN PHILLIPS: Well, thank you so much, Catherine. Its truly been an honor to be with you and your listeners this evening. Thank you so much.



C. AUSTIN FITTS: Okay. Well, we wish you well. May you continue with our many blessings.

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