

June 2019

Permitted Prejudice & Sanctioned Segregation: Medical Exemptions from Immunization

In the halls of the Capitol building in Sacramento, hundreds of families who have waited hours for their turn to speak during a contentious are seated on the floors, leaning against walls, nursing infants, chatting with other parents and holding the hands of their children. A staffer, eager to leave at the end of a long day, frustrated by the crowd, forcibly and purposefully coughs in the face of a 15 year old girl and calls her “retarded”. What emboldens a young woman, poised as a rising young Democratic leader in the women’s caucus to aggressively accost a child?

A mother, who traveled alone to the Capitol for a recent hearing and meetings with Assembly members and the Governor’s office, also recalls being harassed in an elevator by a group of male staffers, taunted with comments like, “Can I protest her giving us the measles?” Too frightened to report the incident, she now fears for her safety and is discouraged from attending future hearings.

Assemblywoman Lorena Gonzalez Fletcher, tweets to over 18K followers: “Dear Legislators & staffers, if you are in the 52-56 age range you may need a measles booster. Given the packed halls lately with so many unvaccinated kids... this is serious.” The tweet is ‘liked’ and ‘retweeted’ by various Senators, Assemblymembers and staffers, amongst them the Principal Consultant for the Assembly Appropriations Committee.

A parent of a child with autism takes an afternoon stroll with her child coming up on a path occupied by two cyclists. As her child approaches the cyclists, who refuse to share the pathway, they become irritated and she feels obligated to share his diagnosis. Chided for her parenting, she is met with angry screams, “You shouldn’t let him go ahead of you! You should be right next to your son!”. Reduced to tears, she now acknowledges a worrisome shift in society, a lapse of compassion and consideration for others.

All of these stories revolve around families who are members of an insular minority, parents of children with disabilities, all of whom support the right for a physician to grant a child an exemption from immunization at their discretion, based on the individual medical needs of the child. The subset of “anti-vaxxers” with medically fragile or disabled children, targeted and shamed in national publications like the Washington Post, where opinion pieces likening parents to sex offenders, like that written by Juliette Kayyem, demand action:

“...it is now a public safety crisis, and the tools of public safety — arrests, fines, isolation — are absolutely necessary... In the same way we have created sex-offenders lists to protect our children, communities can inventory families that choose not to be vaccinated, notifying employers of these parents as well as neighbors who may choose not to expose their children.”

When legislative leaders narrow the interpretation of the vaccination issue to suit their strategic purposes, framing their language to persuade socially unacceptable behaviors like bullying, prejudice and the use of slurs, this provocative rhetoric causes irrefutable harm to others.

The stigma associated with immunization mandates continues to plague not only California, but the entire country, with reports from New York parents, sharing letters from their school districts refusing to provide special education services required for their children at school or in their homes, as required by federal special education law.

The marginalization doesn't stop at education either; it extends to thousands of families who are refused medical treatment for their children due to immunization status. The refusal to provide medical services and health education sows distrust in not only the family refused care, but the broader social network.

Governments and physicians who employ social distancing policies and practices must give consideration to the ethical and legal ramifications. The socio-economic cost of restrictive policies is borne by those families who do not have access to advocates and legal counsel, imparting implications for distributive justice, adversely affecting economic and civil liberties.

The majority of families labeled "Anti-Vaxx" or accused of purchasing "fake" medical exemptions, have been relegated to a stigmatized group, framed as socially, morally and politically inferior by our legislators and media. The harassment, prejudice and intimidation they endure is now embodied in the structure and practice of our society. Signs barring their children from business establishments, summer camps and medical practices are readily found on social media. Now, they endure intolerable treatment at the hands of the legislators they elected, in the building their taxes pay to maintain.

People with disabilities have long been treated as socially inferior, excluded by deliberate segregation and social practices that restrict the participation of individuals regarded as disadvantaged. Parents of children with disabilities experience the injustice derived from the failure of our leaders to correct the perception of disparities based on irrelevant characteristics and factors. We must move to tear down the social construct of social distancing, prejudice, mandates and labels, returning to thoughtful conversation and educational outreach.

The current structure of our society impedes the conversation between parents of children with medical exemptions, most of whom are children with disabilities in the eyes of the law, and our legislators, media, educators and religious leaders. Our leaders are tasked with translating the theory of civil rights and public health into platonic resolutions, rather than begetting complicity by encouraging and modeling bullying tactics.

Justice, a virtue of our society, is central to the evaluation of social policies. We demand that our legislators, physicians, media, educators and religious leaders recognize equal respect for our families, who have endured harassment, prejudice, intimidation and deliberate segregation and take action to correct these unfair disparities.

Educate. Advocate. is a California based non-profit, grassroots, statewide organization that serves families with children with special needs and disabilities by providing advocacy services and resources. We support equity and civil liberties for all families of children with exceptional needs, regardless of political party.