

Legal Challenges to Vaccine Papers Order – Without Prejudice – September 3, 2021

To: Dr. Allison Berry, Health Officer
Jefferson County Public Health
615 Sheridan Street
Port Townsend, WA 98368

From: Stephen Schumacher
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Port Townsend, WA 98368

Dear Health Officer Berry,

Please immediately withdraw your Sep. 2 public health order requiring indoor restaurant/bar patrons to produce vaccination papers, pending legal review of yesterday's repeal of a similar order by New York State's Department of Health.

<https://childrenshealthdefense.org/defender/ny-health-commissioner-mask-mandate-federal-lawsuit-william-ouweleen/>

New York State was forced to repeal its own order discriminating against those not providing vaccination papers, after being successfully challenged on multiple grounds including constitutionality, equal protection, prohibitions against mandating experimental treatments, and not being justified by the science given the CDC's recent confirmation that CV vaccines do not prevent transmission of SARS CoV-2.

<https://www.cnn.com/2021/08/05/health/us-coronavirus-thursday/index.html>

Your Sep. 2 order is vulnerable to legal challenge on the above grounds as well as several others:

<https://jeffersoncountypublichealth.org/CivicAlerts.aspx?AID=778>

<https://jeffersoncountypublichealth.org/DocumentCenter/View/12542/2021-92-Jefferson-Bar-and-Restaurant-Vaccination-HO-Order-Signed>

1) The order is founded on perpetual self-claimed executive emergency powers, whose lawfulness is highly questionable and has been found to be unconstitutional in California and other states.

<https://californiaglobe.com/section-2/breaking-court-declares-gov-newsoms-abuse-of-power-unconstitutional/>

2) This chronic emergency condition is falsely claimed for a county that has experienced near-zero actual CV deaths in two years:

<https://www.porttownsendfreepress.com/2021/06/02/new-wrinkle-in-jefferson-countys-fourth-covid-death/>

3) The claimed enforcement authority to issue the order is inapplicable based on WAC 246-100-040, which gives narrow emergency detention powers for up to 10 days over infected persons posing serious and imminent risk, but only after a long series of provisions and recourses have been exhausted - none of which pertains to or authorizes this open-ended restaurant/bar regulation.

<https://app.leg.wa.gov/wac/default.aspx?cite=246-100-040&pdf=true>

4) The order requires businesses to act as enforcement agents demanding vaccination papers, despite Jefferson Healthcare itself emailing that "Health information such as whether a patient ... received a Covid 19 vaccine is protected health information ... under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) patient privacy laws."

5) The Background supporting the order contains multiple demonstrably false statements, most glaringly that "COVID vaccines are safe" and "serious safety problems and long-term side effects are rare", despite the underreported VAERS database linking CV vaccines with an astounding 650,077 adverse events and 13,911 deaths, more in half a year than all other vaccines combined throughout VAERS' 31-year history (which normally shows only 100-200 deaths per year from all vaccines).

<https://www.medalerts.org/vaersdb/findfield.php?TABLE=ON&GROUP1=AGE&EVENTS=ON&VAX=COVID19&DIED=Yes>

<http://solmaker.com/public/VAERSdeaths210501.PNG>

6) The order's Background falsely states that "Given ... how COVID-19 spreads, including by asymptomatic and pre-symptomatic persons, masks are an essential defense to the spread of COVID-19." To the contrary, "screening in nearly ten million residents of Wuhan, China" found "there was no evidence of transmission from asymptomatic positive persons ... samples from asymptomatic positive cases ... found no viable SARS-CoV-2 virus." Dr. Fauci definitively declared "in all the history of respiratory-borne viruses of any type, asymptomatic transmission has never been the driver of outbreaks." The only large randomized community-based trial "to assess whether recommending surgical mask use outside the home reduces wearers' risk for SARS-CoV-2 infection" concluded "the difference observed was not statistically significant" between the masked and control groups.

<https://www.nature.com/articles/s41467-020-19802-w>

https://www.youtube.com/watch?v=LSHIpx60nr4&feature=emb_title

<https://www.acpjournals.org/doi/10.7326/M20-6817>

7) The order's Background falsely states "COVID-19 vaccines are effective in reducing infection" despite widespread media reporting of CDC data "showing that vaccinated individuals infected with delta may be able to transmit the virus as easily as those who are unvaccinated" and have "measurable viral loads similar to those who are unvaccinated". CV vaccines are proving to be pitifully ineffective over time, with waning antibody levels in 2-3 months used to justify twice-yearly booster re-vaccination. By contrast, natural immunity following CV infection is broad and enduring against all variants.

<https://www.washingtonpost.com/health/2021/07/29/cdc-mask-guidance/>

<https://www.ucl.ac.uk/news/2021/jul/vaccine-antibody-levels-start-wane-around-2-3-months>

<https://www.precisionvaccinations.com/natural-immunity-after-covid-19-found-durable-and-robust>

<https://www.medrxiv.org/content/10.1101/2021.08.24.21262415v1.full.pdf>

Yours truly,

Stephen Schumacher