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The Crime Against the School Child

BY

CHAS. M. HIGGINS

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INTRODUCTION:

THE FUNDAMENTAL LEGAL AND MEDICAL FACT AGAINST ALL COMPULSORY VACCINATION

The Public Letter of Advice to a parent of school children forming the first part of this pamphlet, as well as the supplement forming the final part, are both specially addressed to parents and school officers in our own State of New York and this address is intended to be an exhaustive consideration of our new school vaccination law, passed in 1915 and now in force in this State, known as the Loyster-Tallett Law, with the special purpose of showing the evil and illegal features of this particular law and the legal defenses by which its enforcement in our schools may be frustrated, or on which it may be wholly invalidated in our courts if tested there.

The advices given and defenses suggested in this pamphlet are, however, not confined to the vaccination law now in force in New York State, but apply equally in all other States where similar laws attempt to force vaccination in any form on any section of the people against free will and consent or as a condition for the exercise of any inherent or fundamental right of the citizen or his child.

The fundamental legal and medical facts now set forth in these advices and defenses may be briefly epitomized here by stating that all compulsory vaccination is essentially illegal and criminal in its very nature from a truly logical, legal and constitutional basis, and cannot be validly forced on any person, for the reasons expressed in these simple propositions:

First: No valid law can be based on what is essentially and demonstrably a falsehood, but must be based on actual truth.

Now all compulsory vaccination law is based on this triple falsehood, viz., that compulsory vaccination of a part or the whole of the population is necessary to prevent smallpox epidemics, that nothing else prevents smallpox epidemics but general vaccination, and that vaccination is perfectly safe and harmless and never causes injury or death. All of these propositions are absolutely and demonstrably false, and therefore any law based on them is absolutely invalid.

Second: To inflict a bodily wound on any person, forcibly or against the will of that person, and to inoculate into that wound an infectious disease which may infect the whole body and destroy health or life, as occurs in the act of vaccination, is an illegal and criminal act in fact and law under the simplest fundamental principles of common law, statute law and constitutional guarantees; and any law allowing or authorizing such an act is, of course, absolutely invalid.

Third: The medical profession, interested in vaccination, constantly represents that this medical and surgical operation known as vaccination is actually necessary for the health of school children and is perfectly safe and harmless for them and never causes injury or death. This false representation greatly aggravates the legal offense of the coercive vaccinator and the crime of forced vaccination, because for any doctor to represent and recommend to a patient a surgical operation like vaccination as actually necessary to his health and perfectly safe and harmless, which is not at all necessary for health and which is essentially and potentially dangerous and deadly in every case and now actually kills more children than smallpox, is in itself obviously a grave medical malpractice and is believed to be actually a positive crime under our present laws and indictable and punishable as such.

Under these fundamental legal and medical facts, therefore, which we believe to be impregnable as a matter of legal, medical and statistical demonstration, no parent of school children or local or general school officer, high or low, in this State or other states, need pay any attention to any attempt to force compulsory vaccination upon them, except to denounce it as a form of child slaughter, medical barbarism and legal crime, and refuse to have any of the children in their charge forcibly vaccinated or excluded from school or denied their fundamental right to education and to health; but parents and school officers must insist upon the free legal right to education for every healthy child in this State without having first to endanger its health or life by compulsory disease, as fully set forth in the advices and defenses given in this pamphlet.

CHAS. M. HIGGINS,
Member of Anti-Vaccination League and League for Medical Freedom.

271 Ninth St., Brooklyn, N. Y.
October 4, 1915.

The Crime Against the School Child.

An Expose of the New Loyster-Tallett Law in the State of New York which Now Forces Compulsory Vaccination on Every School, Public and Private, in the Ten Leading Cities in the State, viz., New York, Buffalo, Rochester, Syracuse, Albany, Yonkers, Schenectady, Utica, Troy and Binghampton, but Removes it From the Country Districts.

How Our Country Politicians, in a Deal with Medical Interests in the State, Put Compulsion More Heavily on Our Big Cities but Took it Off their Own Country Districts, and How the State Commissioner of Health Saved His Own Official Head in the Deal.

How to Legally Defeat this Evil Law Shown.

Vital Points for Lawyers and Laymen.

Note.—This letter of advice to one inquiring parent is now published as an open public letter for the benefit of other parents of school children and for all school officers in the State and for the public generally.

Mr. LEROY A. MERSHON,
55 Cedar Street,
New York City.

Dear Sir:

Your letter of August 17th was duly received but was not answered before this on account of absence from town.

THE NEW VACCINATION LAW FOR CITY AND COUNTRY.

I note that you wish to get your boy admitted to public school No. 152 in Flatbush in the Borough of Brooklyn without vaccination, which you strongly object to. I understand that the boy has never been vaccinated but has heretofore attended the Staten Island Academy in the Borough of Richmond, which I believe is a private school, where vaccination was not required under the old law, which applied to public schools only. This year, however, a new law was passed known as the "Loyster-Tallett Law," which is much worse than the old law and applies to all schools, public and private, in this State. It is called the Loyster-Tallett Law because it was drawn by Mr. James A. Loyster of Cazenovia, Madison County, in consultation with the State Depart-

ment of Health, and apparently to suit this department and other medical interests, and it was introduced in the Legislature by Mr. Loyster's local representatives, Assemblyman Tallett of Madison County and Senator Jones of Chenango County. Notwithstanding vigorous opposition to this evil law from different parts of the State, it was finally passed under the false representation that it did not apply to New York City at all, and many of our legislators from New York City actually voted for it, being misled by this false idea by somebody, whereas this law applies particularly to New York and to the four other big cities in the State, viz., Albany, Syracuse, Rochester and Buffalo, as well as to the five smaller cities of the second class, viz., Yonkers, Schenectady, Utica, Troy and Binghampton, making vaccination necessary for admission to any school, public or private, in any of these ten cities which contain two-thirds of the population of the whole State; while in the country districts in all the rest of the State outside of these ten big cities children can be freely admitted without vaccination unless a case of smallpox should some time arise in the town or district, when the unvaccinated children may be excluded, but not until then.

This peculiar Loyster-Tallett-Jones Law is obviously another glaring instance where the country politicians seem to control the making of laws for New York City; and in this shameful piece of medical legislation the country politicians seem to have actually succeeded in making a deal with some medical interests in the State, which seem to control our legislation, to take compulsory vaccination off the schools in their own country districts for the price of inflicting it more heavily than ever on the big cities of the State where the profit to the vaccine and medical interests will be obviously greater. Another feature that seemed to figure in this deal relates to the status of State Health Commissioner Biggs himself, against whom a special bill was introduced to legislate him out of office for the alleged reason that he gave only a part of his time to the public business of the State and most of his time to his own private practice, at the big salary of $8,000 per year. This bill was introduced by Mr. Hinman of Albany in the Assembly, March 23rd, and provided that the Health Commissioner must give all his time to the business of the State, and it was passed unanimously on April 8th without a dissenting vote, but was not forced in the Senate for some reason which the country politicians can tell us if they will. Coincidentally Commissioner Biggs approved the bill of the country politicians to take compulsion off their own country schools but to put it heavier on all the city schools, although this bill was strongly opposed by the medical societies of the State who are opposed to any relaxation

of the dangerous but profitable practice of vaccination in either city or country. Nevertheless the country politicians got their bill through, taking compulsory vaccination off their own country schools, and Commissioner Biggs saved his official head by the defeat of the bill to make him either resign or give all his official time to the business of the State, for which he is so well paid. I make no comment on these legislative, medical and political facts, which seem to speak clearly for themselves and show how some of our laws are made and what influences sometimes determine their passage and what a dangerous grip the medical powers—the most dangerous in our body politic—now have on the people of this State to be able to dictate or determine our laws, as will hereafter more fully appear.

MR. LOYSTER'S PECULIAR WORK.—CAN ANY ONE EXPLAIN IT?

Mr. Loyster, who seems to be quite something of a country politician himself, being a member of the State Republican Committee, and evidently having considerable political influence in the Legislature, excused the passage of this shameful and cowardly law on the ground that it was the only concession he could force from this dangerous medical power which, as I have just said, seems to have such a sinister grip on the legislature and people of this State.

POLITICAL COWARDICE AND MEDICAL CRAFT.

That it was a most cowardly piece of political work, whoever was responsible for it, to be satisfied with getting the evil of compulsory disease taken off the country schools in their own political districts for the price of putting it heavier on all the schools, public and private, in all the big cities of the State and for the further price of giving the vaccinating doctors double pay for this evil work, is so obvious and "raw" in its moral and political ugliness that it needs no further comment here. But perhaps there was some special reason for this peculiar piece of work, which some of our politicians can explain to us if they will.

MR. LOYSTER'S PAMPHLET.

Now with regard to Mr. Loyster, it must be specially noted that this intelligent man was a most grievous sufferer himself from the medical crime of compulsory vaccination, having lost his own precious boy

through this medical evil last summer, and he has since published a striking pamphlet as a memorial to his lost boy, showing the deaths of about thirty children from coercive vaccination in this State in 1914. A copy of this remarkable pamphlet will be mailed upon request, accompanied by ten cents to cover costs of printing and postage. The title of this pamphlet is "Vaccination Results in New York State in 1914," and it is illustrated with photographs of many children killed by vaccination in this State in the great vaccination raid of 1914 improperly forced upon the schools of the State by the Department of Education under the illegal dictation of the Department of Health.

In this pamphlet Mr. Loyster shows what our League has been impressing on the public for years, that vaccination is killing more children than smallpox and is now not only more dangerous than smallpox, but is quite needless as an alleged remedy for its prevention. In his "conclusions" he manfully took the same ground that we have been urging for years, demanding the complete repeal of all compulsion as the following extracts from his pamphlet will show, viz.:

(1) "Vaccination has been the cause, directly or indirectly, of the death of at least fifty children in New York State in 1914."

(4) "Vaccination of children is wrong in principle, is not in harmony with the trend of the best medical practice and should be abandoned."

(8) "A new section of the Public Health Law should be enacted which should provide for the repeal of compulsory vaccination as a prerequisite for an education."

Notwithstanding this clear re-echo of the principles of our League from a man who is not a member of it, and, shameful and strange to say, this man drew up a bill in connection with the State Departments of Health and Education which violated every one of these principles and gave this bill to his local legislators to introduce, using all his own political influence to rush it through the legislature. This shocking bill, as first drawn, instead of reducing or repealing compulsion, actually gave the medical interests everything they had been trying to get for years past and which our League had so far prevented, viz.:

(1) Compulsory vaccination on every school child in the State, public and private.

(2) Forced vaccination of every school child *repeated every year!*

(3) It changed the discretionary enforcement of the law from the school officers who have no pecuniary interest in vaccination, as in the

old law, to the mandatory enforcement of the health officers having *a direct pecuniary interest in this enforcement;* and,

(4) It actually gave the vaccinating doctors extra or *double pay* for every vaccination performed, as you will note in paragraph 3 of this law annexed, which is in gross violation of the State Constitution, Article III, Section 28. This remarkable piece of medical craft and graft was probably either the result of Mr. Loyster's own innocent ideas or the crafty work of the medical or vaccination interests in this State into which he was unconsciously misled by his unfamiliarity with and newness in this whole subject. After drawing this bill he submitted it to us for approval and actually had the simplicity or effrontery to expect that the members of our League were such fools, cowards, stultifiers and traitors that we could be expected to co-operate with him in the advancement of such a stupid and dangerous measure instead of fighting against it to the end as representing every evil against which we had been working steadily for years and as a complete surrender to the advocates of medical compulsion of everything for which they had been long striving and which they now get in this Loyster Law. We therefore believe that for a man of Mr. Loyster's intelligence, with his experience of acute suffering from vaccination and his evident political influence in the State, that for him to have drawn and advocated any such bill, or to work for or accept any reform less than a full repeal of all compulsory vaccination, which by his own showing killed his own son and forty or fifty other children in the State in one year, was nothing less than a most contemptible piece of political cowardice which makes a most shocking anti-climax to his remarkable pamphlet and a most sinister monument to his martyred boy, which must forever haunt and mock at him for the rest of his life unless he immediately repents of this mistake by working for the absolute repeal of the present shameful law at the earliest possible moment.

From what has been already shown it is almost needless to now say that such a law as I have just described—the present Loyster-Tallett-Jones Law—is a moral crime on the people of this State and is, I believe, clearly illegal and unconstitutional on broad legislative principles, but, of course, it will take a great deal of hard work and much expense to defeat such laws in our courts, no matter how bad they are, a work which I presume men like yourself are not anxious to tackle or able to undertake.

I enclose one of my pamphlets, "A Heart to Heart Talk," which will show you how our League has fought this evil law to the very end. It was finally passed, however, and signed by the Governor about

April 1st, with a serious change which we helped to compel, viz., cutting out the condition for vaccination every year, but the evil of separate laws for city and country districts was added, which, backed by the country politicians and the State Department of Health, we were not able to defeat but which will yet kill this law in our courts, if not repealed before this legal test is made, as this arbitrary local discrimination against the cities makes this enactment an illegal class law and not a "law of the land."

SMALLPOX TEN TIMES MORE FREQUENT IN COUNTRY THAN CITY

The alleged reason for taking rigid compulsion off the country districts and putting it on the cities was the false and stupid reason that smallpox is less frequent in the country than in the city, whereas the very reverse is the fact, smallpox being actually more of a country disease than a city disease and being usually from five to twenty times more frequent in the country than in the city. For example, in 1914 the total number of smallpox cases in our whole State of ten millions was 791 with only 3 deaths! The 3 deaths were all in the districts outside of the 5 big cities; and only 24 of these cases occurred in New York City, with over half the population of the State, and only 41 of the 791 cases occurred in the ten leading cities, containing two-thirds of the whole population of the State. On the other hand, 749 cases occurred in the country districts, having only one-third of the total population, or nearly thirty times the absolute number in New York City or sixty times the relative number! This remarkable showing of statistical facts is sufficient proof of the folly and falseness of our vaccination laws and the gross ignorance or dishonesty of some of their advocates or promoters and beneficiaries.

HOW TO LEGALLY EVADE AND DEFEAT THE LOYSTER LAW

FIRST DEFENSE: DOCTOR'S CERTIFICATE OF DANGER TO HEALTH OR LIFE

Under the present circumstances, therefore, the best advice I can now give you for legally defeating or evading this evil law and getting your child admitted to school without the serious or fatal danger of

vaccination is to get a doctor's certificate that vaccination will be injurious to your child in his present state of health, upon which certificate he can be admitted to any public school under existing rules of the Department of Education. You will find that there are several good doctors in the city strongly opposed to child vaccination who are fully aware of its great dangers to the health and life of children and who know that there are many children so susceptible to this form of blood poisoning as to make it highly dangerous or possibly fatal to them.

DEATHS OF 30 CHILDREN FROM VACCINATION IN 1914

We have now on hand positive and circumstantial evidence, sufficient to convince any ordinary jury, of nearly thirty deaths of school children from vaccination, by lockjaw and other blood infections introduced in the vaccination wound, all in 1914 in this State alone! Three or more of these deaths occurred in Brooklyn or its vicinity, whereas there were only three deaths from smallpox in the whole State in the same year! As supplemental to this irrefragable evidence against vaccination, the yearly reports of the highest statistical authority in the world, the Registrar-General of England, show that for several years past the deaths of children from vaccination greatly exceed deaths of children from smallpox, and yet our health officials and vaccinating doctors in this City and State constantly deceive the public mind with the outrageous medical and statistical falsehood that vaccination is perfectly safe and harmless and never causes any serious injury except that brought about by the fault of the patient himself.

THE GREATEST SIN IN THE MORAL CODE COMMITTED BY VACCINATORS.

This awful falsehood of our vaccinators constantly uttered that vaccination is perfectly or relatively safe and harmless, may therefore be said to come under the classification of the highest sin in the moral code of Christianity known as "the sin against the Holy Ghost"—the Spirit of Truth—which consists in brazenly "impugning the known truth" for the motives of some concealment of error, pride of opinion or professional profit. This is the gravest of all sins which The Greatest Hebrew Prophet has solemnly told us will not be forgiven either in this world or the world to come!

SECOND DEFENSE (FOR CITY PARENTS): CHANGE RESIDENCE TO COUNTRY DISTRICT

Another good suggestion I can give you for the defense of your children against this barbarous law which makes compulsory disease a pre-condition for education, is to change your residence to one of the suburbs on the outer edge or beyond the limits of New York City, where children can be admitted under the present law without vaccination.

THE THIRD DEFENSE—PRIVATE SCHOOLS AND CONSTITUTIONAL RIGHTS.

A further suggestion is to send your child to any of the big private schools in the City, the Friends School or the Berkeley Institute for instance, which are opposed to compulsory vaccination and in which it is believed that the Health officials or medical interests back of them will not attempt to enforce the present evil and illegal law and where this law will be readily broken down if legally tested there. My own children go to the Friends School and to the Packer Institute, and I am prepared to legally defend them from this almost criminal law and defeat it legally in the courts if any attempt is made to deprive the children of these schools or their parents of any of our inalienable and constitutional rights—the highest and most indispensable of these rights being obviously the right to education—which our medical despots will find cannot be taken away from any citizen in this great State *"unless by the law of the land* or *the judgment of his peers"* (see State Constitution Article 1st).

COMPULSORY VACCINATION LEGALLY A CRIME

The present law is not a "law of the land," as already shown, but is the law of a political and medical clique which controls our legislation applied arbitrarily to one section of the people only and passed under conditions which I believe will not stand the light of day and are illegal, as I showed in my protest at the hearing before the Governor. This law, in fact, impresses an illegal and criminal condition on the citizen and parent, that he must first endanger the health or life of his healthy child as a condition for education by deliberately inflicting upon him a disease of blood poisoning, which is now demonstrably more dangerous to public health and human life than smallpox itself and actually

kills more children every year than smallpox and has also been proved to be the cause of our great epidemics of foot and mouth disease of cattle, which have caused the slaughter of hundreds of thousands of farm animals all over this country in 1902, 1908 and 1914, and have already cost the State and National governments and our farmers, dairymen and stockmen many millions of dollars. Of course, no such evil practice capable of such deadly results can be forced legally on any person in this State under our fundamental laws and charters.

FOURTH DEFENSE: CRIMINAL PROSECUTION OF VACCINATORS UNDER COMMON LAW AND PENAL CODE

You will see that I have described forced vaccination under the present Loyster Law as a crime on the people, which I insist upon with all legal soberness and seriousness because it is actually a crime under common and statute law to maim, wound or assault the human body or to inflict upon it any medical malpractice or infectious disease capable of causing serious injury or death, and particularly is it a crime to inflict such a malpractice on children under section 483 of the Penal Code, which prohibits *"Endangering Life or Health of Child,"* and it is therefore high time that all persons who may be legally or morally responsible for the killing of the thirty or more children in this State by forced vaccination in the last year were tried before a Common Court and Jury under these laws.

FIFTH DEFENSE: NO LEGAL POWER EXISTS TO COMPEL VACCINATION

VACCINATION LAW CONFLICTS WITH EDUCATION LAW AND DISTRICT SCHOOL OFFICERS HAVE POWER TO SUSPEND VACCINATION LAW AND ADMIT UNVACCINATED CHILDREN, ACCORDING TO DECISION OF DEPARTMENT OF EDUCATION BY COMMISSIONER DRAPER IN 1912.

This is a very important point of legal defense against the vaccination law which I wish to particularly impress upon and make plain to you and other parents and especially to all school officers in public or private schools.

NO LAW OR LEGAL POWER IN THE STATE TO COMPEL VACCINATION

Contrary to the general false idea there is absolutely no law in this State now and never was, directing, requiring or compelling any one to be vaccinated or directing or compelling any parent to have his child vaccinated to attend school or otherwise. In fact, some of our higher courts have decided that there is no power in the Legislature itself to make vaccination compulsory or compel any one to be vaccinated. See decision of Judge Gaynor against Health Commissioner Emery of Brooklyn in 1894, and the decision of the Court of Appeals sustaining Judge Gaynor. See also decision of Judge Woodward of the Appellate Court in the case of Viemeister in 1903. The Supreme Court of Massachusetts in the case of Jacobson in 1903 decided that it was not in the power of the law to compel vaccination of any one who objected to it, but only to collect the fine of five dollars. The Supreme Court of the United States, in this same case of Jacobson, decided in 1904 that the fine as an alternative to vaccination was constitutional, but Judges Brewer and Peckham dissented, evidently holding that not even this fine of $5 was constitutional as an effort to compel vaccination. This great court, however, agreed unanimously that vaccination could not be forced on any one who could show that it was dangerous to their health or life. Judge Bartlett of the New York Supreme Court in the case of Walters in 1894 decided that to compel vaccination by intimidation or force was criminal assault.

The only school vaccination law we now have or ever did have in this State does not compel any one to be vaccinated but merely authorizes the school officers to exclude or refuse admission to any child or other person who does not wish to adopt vaccination, but there is no power in the school officers or even in the law or legislature itself to compel any one to be vaccinated against will and consent. Now, therefore, while we have no vaccination law compelling or directing any one to be vaccinated, we have an *Education Law* which very clearly and positively compels all children between six and fourteen years of age in proper physical and mental health to *"attend upon instruction"* at a school of some kind, public or private. There is also a distinct law applying to all parents, or others in parental relation to children, compelling them to cause all healthy children of school age to "attend upon instruction" under positive penalties for neglect to do so. Now please note this important point, viz.: There is a distinct penal law compelling parents to send their children to school and also a law binding on the school officers compelling education for every healthy child, but there is no law whatever compelling any parent to have any child vaccinated to attend school or otherwise. Consequently every parent who sends his healthy child to school, whether vaccinated or not, obeys this law, and the school officers who refuse to admit such healthy child and give him education—his most indispensable and inalienable right which no one can take away from him—break this law. Therefore, the parent who will persist in sending his child to school and persist in refusing to have his health or life endangered by vaccination breaks no law whatever but faithfully performs his parental duties and fully obeys the laws as they are and cannot be prosecuted for failing to have his child vaccinated, as there is no such offense under any of our existing laws. On the contrary, the parent can properly plead that there is one penal law that he would violate if he had his child vaccinated, to the endangering of his health and life, viz., Section 483 of the Penal Code, on this very point already referred to.

DECISION OF COURT OF APPEALS IN EKEROLD CASE EXPLAINED

There is one recent decision of the Court of Appeals in the case of the parent Ekerold which has been grossly misrepresented by the vaccinators who try to make it appear that Ekerold was fined for not having his child vaccinated. He, of course, could not be legally prosecuted or fined for this act or omission because there is no law whatever compelling any parent to vaccinate his child under penalty of fine or

otherwise, and it is, of course, as true in the laws of the State of New York as in the Epistle of St. Paul to the Romans that "where no law is there is no transgression." Ekerold was fined simply for not sending his child to school and not for failing to vaccinate him, and the whole decision turns on that point and the Court clearly pointed out that if Ekerold objected to vaccination he could easily have sent his child to private school, where vaccination was not required under the old law under which this decision was rendered. If, therefore, Ekerold had been properly advised in the first place he would have persisted in sending his child to the public school and demanded education for him there under the compulsory education law, and also would have persisted in his legal right to refuse to have the health or life of his child endangered by vaccination, and if the school officers then refused to give him education they would thereby be the breakers of the education law and not Ekerold, who could not, of course, be prosecuted under this law, which simply requires that parents cause their children to "attend upon instruction."

Now to show how sound and safe this point of law is I will simply state that there have been about half a dozen cases already tried before courts and juries in different parts of the State where it was attempted to convict and fine parents for violation of the education law under these very circumstances where parents persisted in sending their children to public school, but refused to have them vaccinated, and the jury failed to convict in every case and freed the parent.

DECISION OF COMMISSIONER DRAPER OF DEPARTMENT OF EDUCATION IN THE CASE OF THE TOWN OF OLEAN

If, therefore, you and other parents will combine and adopt this legal course and refuse to have your children vaccinated but persist in sending them every day to your local public school and demand instruction for them under the compulsory Education Law you will see that the school officers will soon find a good legal reason to admit them. This reason is in the law itself, as just explained, and in the decision rendered in the Department of Education at Albany by Commissioner Draper in 1912 in the case of the town of Olean, where hundreds of parents refused to have their children vaccinated on account of danger to health and life but insisted on their right to public education under the education law and where two thousand children have ever since attended school unvaccinated. The schools in Newburgh, Niagara Falls, and several other towns in the State

have also admitted unvaccinated children freely on this decision. In this case Commissioner Draper decided that the vaccination law conflicted with the education law and that, as both laws could not be enforced, the school officers should suspend the vaccination law and enforce the education law until the Legislature should remove the conflict in the two laws. The Legislature has not yet, however, removed the conflict, as the new law is just as stupid and conflicting in this respect as the old law and therefore the decision of Commissioner Draper still holds as a binding authority on the Department of Education and on all public schools under it and it should here be fully understood that a decision of the Commissioner of Education is final and unappealable and binding on every public school officer in the State.

Under these legal principles, therefore, the officers of every public or private school in the State have power at their discretion to admit any child unvaccinated with or without a doctor's certificate, as mentioned in the First Defense.

RE-VACCINATION ILLEGAL—ONE VACCINATION SUFFICIENT

Another point that I wish to particularly impress upon you is that if your child has been once vaccinated, whether "successfully" or not, and no matter how many years ago, he cannot be legally required to be re-vaccinated under section 310, paragraph 1 of the present law applying to cities but must be admitted to school without re-vaccination. It may be that your child has been already vaccinated, although a long time since, and, if so, you can get him admitted to any public school in the cities under the present law without further vaccination.

ANOTHER VITAL LEGAL POINT EDUCATION WHEN PAID FOR IS A RIGHT AND NOT A "PRIVILEGE"

The cases of Walters in 1894 and of Viemeister in 1903 were instances where parents attempted to force the admission of their children into the public schools without vaccination under the old law of 1893. In both these cases our courts decided that public education *"at the expense of the State"*—which means to a person who pays no school taxes or costs of education—is a "privilege" and not a "right." Walters and Viemeister it appears were *not* taxpayers and this point was actually raised against them in court. To a parent, however, who is a taxpayer and pays his school taxes or other costs of the education of his

children, it is obvious that the case is quite different and that this legal point made in these court decisions does not apply to him and that paid-for education, public or private, is not a mere *"privilege,"* like free board for a pauper, but is clearly a citizen's *"right"* and cannot, we believe, be legally refused under the Compulsory Education Law to any tax-paying citizen or healthy child merely because the parent will not expose his healthy child to the serious or fatal danger of disease inoculation, which is in itself an illegal requirement, as before shown. We have already shown that the court in both of these cases admitted that there was no power in the law to compel any one to be vaccinated and that to force vaccination on any one was criminal assault.

These decisions, therefore, in no way refute the right of a tax-paying citizen to get his healthy child admitted to school without vaccination and particularly not where the school officer elects at his discretion to so admit him under the decision of the Commissioner of Education in the case of the town of Olean in 1912, as before cited, which is final and binding in the schools of the State, as has been shown.

Under these several decisions, therefore, there is everything to authorize and nothing to prevent any school officer, in public or private school, from exercising his discretion and admitting any healthy unvaccinated child, notwithstanding the present Loyster Law, which is actually legally non-enforceable in the case of every school officer who thus acts within his legal rights, as already indicated.

I will finally here point out a fundamental, vital and legal reason to justify any school officer in suspending the vaccination law in any school at any time, which is this:—The school vaccination law was passed by the Legislature under a medical deception and is now maintained on the people by a gross medical deception that this operation is entirely beneficial, necessary for the prevention of smallpox epidemics and perfectly safe and harmless, and never causes any injury or death, whereas, in fact, by government record, it now kills more children than smallpox, as shown by the reports of the highest statistical authority in the world, the Registrar-General of England. This positive fact, therefore, entirely alters the aspect of this medical operation before the Public, the Courts and the Law, so that there is sufficient solid ground in this legal, hygienic and statistical fact alone to justify any local school board in at once suspending vaccination in any school or district where this fact becomes apparent to their official minds. Our highest court in this country, the U. S. Supreme Court, in the case of Jacobson, appealed from Massachusetts, decided positively on this very point that vaccination could not be legally forced on any one who can

show that it is dangerous to health and life, and two judges of this court by dissent held that this Massachusetts law to enforce vaccination by a fine was not constitutional.

DEATHS FROM VACCINATION GREATER THAN DEATHS FROM SMALLPOX

A PUBLIC CHALLENGE RENEWED

To prove the positive statement made in the previous paragraph as to the demonstrated fatality of vaccination and therefore the consequent illegality of its enforcement, I will now refer to the report of the Registrar-General of England and Wales for the recent year of 1911 where this most significant comparative data is given as to deaths from smallpox and vaccination for that year:

Total deaths from smallpox for all ages	23
Deaths from smallpox under 5 years	6
Total deaths from vaccination, all ages	14
Deaths from vaccination under 5 years	14
Specific Diseases or Causes of Death in Said 14 Fatal Vaccinations—	
From "Vaccinia" or "Cowpox" directly	6
From Vaccination resulting in Fatal Septicemia	5
From Vaccination resulting in Fatal Erysipelas	3
Total	14

Here we will see from one of the latest published annual records of the highest statistical authority in the world that for the year 1911 in England and Wales, in a population of about 36,000,000 the total deaths from vaccination were 14, or more than half the total deaths from smallpox, which were 23! On the other hand, the deaths from smallpox in little children were only six, and exactly equal to the deaths caused directly by "vaccinia" or cowpox, pure and simple, in children of the same age, whereas the additional deaths from wound infections in the vaccination sores, viz.: from Septicemia and Erysipelas, added eight more fatalities, thus making the deaths from vaccination in little children *over twice as many as the deaths from smallpox!*

To show that deaths from vaccination in this year of 1911 in England, as compared to deaths from smallpox, are nothing unusual and that such deaths occur more or less constantly every year, and that the total yearly deaths from vaccination exceed total yearly deaths from smallpox, particularly in children, I can give this further impressive

data from the reports of the Registrar-General for several years previous to 1911, as follows:

Year.	Total Deaths from Smallpox.	Total Deaths from Vaccination.
1906.....	21	29
1907.....	10	12
1908.....	12	13
Total Deaths from Smallpox for six years 1905 to 1910..		199
Total Deaths from Vaccination for six years 1905 to 1910		99
Deaths from Smallpox in said period under 5 years old..		26
Deaths from Vaccination in said period under 5 years old		98

This awful record of fatal vaccinations thus speaks very clearly for itself and forms an absolute indictment of the whole barbarous and murderous system of compulsory vaccination, particularly for little children, as being both illegal and criminal in its very nature, and needs no further comment here. It can be further proved that an equal or greater fatality from vaccination, as compared to the English records, occurs in our own State of New York, but these fatalities are denied and concealed in our death certificates and yearly reports by our vaccinating doctors and health officials of city and state, as I have repeatedly and publicly charged and have challenged these doctors and officials to deny or disprove this charge if they can or dare, and I now hereby renew this public challenge on this most serious point.

COMPULSORY VACCINATION NOT NECESSARY TO PREVENT SMALLPOX

In England, the home of vaccination, no compulsion is placed on the school age but only on the infant class, under five years, this age being the most susceptible to smallpox, the adult age (over 20) being the next most susceptible, whereas the school age (from 6 to 19) is the least susceptible to smallpox of any part of the population. Even in this infant age any child can be exempted from vaccination by a special law known as the "conscientious clause," which allows their parents to file a declaration of conscientious objection within the first year of life, under which law nearly half of the children born in England are now exempted from vaccination as a recognition by parents of its great danger to health and life. Notwithstanding this great decline in English vaccination and its almost entire absence on school children, smallpox has steadily declined in England with the corresponding increase of sanitation and hygiene, so that the English Minister of Health, Hon. John Burns, made this public declaration in the House of Commons on

April 12, 1911, that: "Just in proportion as in recent years exemptions (from vaccination) have gone up from 4 per cent. to 30 per cent., so deaths from smallpox have declined."

In the third greatest state in our country, Illinois, with the second largest city, there is no compulsory vaccination on school children and yet no increase of smallpox has been shown after many years of trial. In the large state of Minnesota there is also no compulsion on school children, and in the small state of Utah compulsion is absolutely prohibited; yet in all of these instances of small and large states it has not been found that any increase of smallpox has resulted from the decline of vaccination. In fact, the English city of Leicester, of about 300,000 population, is a brilliant example of the needlessness of vaccination to prevent smallpox and the value of its abolition to health and life. This city has practically abandoned the use of vaccination for the last 35 years and has relied almost entirely on sanitation and isolation and yet has had no trouble in controlling smallpox, but has had one of the lowest figures for smallpox mortality, general death-rate and infant mortality in the world. See the remarkable acknowledgment of these facts from opposite sides, viz., from the anti-vaccination side in the book by Mr. J. T. Biggs, former town official of Leicester, entitled "Leicester—Sanitation vs. Vaccination," London, 1912, and from the pro side in the recent convincing work of Dr. Killick Millard, present health officer of Leicester, in his book, "The Vaccination Question," London, 1914.

THE LEICESTER METHOD
PREVENTING SMALLPOX WITHOUT VACCINATION

This is the gist of what Health Officer Millard—a pro-vaccinist—says of the success of the Leicester method of preventing smallpox without vaccination:

"The two crucial and outstanding facts which I wish to lay stress upon, are:

"(a) The unexpected and remarkable experience of the town of Leicester, which for thirty years has abandoned infantile vaccination, yet has shown an enormous decline in smallpox mortality.

"(b) The fact that although infantile vaccination is falling more and more into disuse throughout the whole country, yet smallpox, contrary to all pro-vaccinist expectation and prophecy, continues to decline and has almost disappeared."

* * * "The striking facts that in Leicester, without infantile vaccination the decline has been greater than in most places, and

that throughout the country smallpox has continued to decrease in spite of the falling off in vaccination, should surely be sufficient grounds for legitimate doubt.

* * * "If it can be shown that "sanitation" thoroughly carried out, is alone sufficient for the effective control of smallpox in this country [as in Leicester] why inflict upon the community universal vaccination with all its inseparable drawbacks? Moreover, what justification can there be any longer for compulsion?

"It cannot be denied that vaccination causes, in the aggregate, very considerable injury to health, most of it only temporary, but some permanent. * * * we must never forget that vaccination *is* an evil. Vaccinia is just as much a disease as smallpox, though a less serious one, and all diseases must be regarded as evil and to be avoided if possible. There is not the slightest evidence that vaccination apart from its effect in preventing smallpox is of the least value or anything but detrimental to the human race. * * * "During the last decade the deaths from vaccinia have several times outnumbered those from smallpox, whilst if we have regard to the amount of ill health caused by the two diseases (and putting aside for the moment the question of the alleged effect of vaccination in lessening smallpox) it looks as if vaccinia were becoming, so far as the community is concerned, the more serious disease of the two. * * * "Infantile vaccination has one serious drawback; whilst mitigating smallpox it also disguises it, and in this way tends to spread the disease.

"I regard this proposition of so much importance, and it has received so little attention, that I propose to devote a separate chapter to its consideration."

A MOST IMPORTANT POINT

VACCINATION ADMITTEDLY SPREADS SMALLPOX

Dr. Millard in this last paragraph makes a point which seems to be novel to pro-vaccinists but has been well known to anti-vaccinists for a long time, and it is very important that this should be clearly understood. This point really is that the majority of cases of smallpox always occur among the vaccinated and the majority of cases are usually very mild, whether among the vaccinated or unvaccinated.

It is in fact just because smallpox is usually such a mild disease, instead of the very severe disease popularly supposed, that most epidemics are allowed to spread. Ordinary smallpox may simply and

briefly be described as like an ordinary or severe cold, with pimples breaking out on the face and hands, and the average person and even the average doctor being unacquainted with the disease does not recognize it until some time after the infected person has exposed many others to the disease. Smallpox is often confounded with measles, scarlet fever, chicken pox, scurvy and some other diseases, and this confusion by non-expert doctors is one of the chief causes for the spread of the infection in most outbreaks of the disease.

Now on account of the ignorance and incompetence of the average doctor in recognizing smallpox and by his false faith in vaccination as *a sure preventative* a false rule of diagnosis has been generally adopted by the profession which is actually this: If the patient has been vaccinated, recently or otherwise, the disease is diagnosed as not smallpox, but if not vaccinated, it is declared to be smallpox! The result is that the vaccinated person with actual but "disguised" smallpox is not isolated but is allowed free range until he has infected several others and spread an epidemic in his own vicinity. On the other hand if this infecting person had not been vaccinated at all his disease would promptly be declared to be actual smallpox and he would be at once isolated and further spread of the disease prevented. It is for this reason therefore that Dr. Millard so wisely and truly says that vaccination actually serves to spread smallpox, a fact long well known to our anti-vaccination leagues but now clearly admitted by a pro-vaccinist.

OUR TEN CITIES OF FIRST AND SECOND CLASSES COMPARED TO LEICESTER.

Before leaving this subject of the Leicester method of preventing smallpox without vaccination, it may be proper to call attention to the fact that of the five big and five small cities in this State on which compulsory vaccination is now placed by the Loyster law, eight of these cities, viz.: Albany, Syracuse, Rochester, Yonkers, Schenectady, Utica, Troy and Binghampton, are all much smaller in population than Leicester, and only New York and Buffalo are larger, and yet this large city of Leicester, larger than eight of our ten largest cities, has proved how practical it is to prevent smallpox by sanitation and hygiene, without vaccination, which result can, of course, be equally effected in our cities, large or small, without any of the coercive vaccination which is now forced on these cities by this evil and illegal Loyster Law.

VOLUNTARY VACCINATION NOT OPPOSED BY OUR LEAGUE

HIGHEST MEDICAL AUTHORITY TO-DAY OPPOSED TO COMPULSION

At this point we might emphasize the fact that while our League is absolutely opposed to all compulsion, we do not oppose voluntary vaccination, although we believe that in most cases the operation is needless and dangerous and will yet be prohibited by penal law, just as its dangerous predecessor smallpox inoculation was so prohibited, although approved for over a century by the highest medical authorities of the time.

It will therefore be seen that we agree with the most advanced and intelligent pro-vaccinists of to-day, as represented by Dr. Millard in simply opposing all compulsion and leaving voluntary vaccination free for every one who desires it.

This fundamental attitude which Dr. Millard and our leagues take on freedom from all compulsion, is that also taken in the latest and highest work of medical authority to-day, viz.: the latest edition of "Modern Medicine" by Doctors Osler and McCrae published in four volumes and dated 1913. In Vol. 1, P. 848, this latest and highest medical authority states as follows as regards vaccination: "With the greatest care, however, certain risks are present and so it is unwise for the physician to force the operation upon those who are unwilling, or to give assurances of absolute harmlessness."

Now this is substantially the attitude which our Leagues take in this controversy and if it is good enough for the highest and latest written authority on medicine to-day it is good enough for our medical societies, our health departments, our school officers and our legislators in this state to take, and therefore all compulsory or coercive vaccination should be at once abandoned, repealed and prohibited as being absolutely a gross medical barbarism and danger, particularly on school children, and a violation of fundamental personal rights of parent and child as already demonstrated.

RECAPITULATION

COMPELLING VACCINATION BY FORCE OR INTIMIDATION A CRIME UNDER PENAL CODE AND DECISIONS OF OUR COURTS.

CAUTION TO PARENTS AND SCHOOL OFFICERS AND WARNING TO VACCINATORS, DOCTORS AND HEALTH OFFICERS.

As a condensation or recapitulation of the advices already given, I will now say that parents and school officers must not for one minute lose sight of these four most important legal points:

(1) There is no law in this state to actually compel or require any one to be vaccinated.

(2) Parents have an absolute right to refuse to have their children vaccinated, or deliberately diseased, as endangering their health and life.

(3) Parents have an absolute right to have their healthy children educated when they pay for the education.

(4) Every school officer in public or private school has the full right to admit, at his discretion, any child or person unvaccinated, where he believes vaccination will be dangerous to health or life, with or without a doctor's certificate.

With a clear recognition, therefore, of these four impregnable legal points, parents and school officers have the matter of school vaccination securely in their own hands and can suspend vaccination in any given case or in any particular school at their own discretion as they shall best determine, and no power in this State can compel any child or other person to be vaccinated against will and consent or force any school officer to exclude from school or deny education to any healthy child against the will and discretion of such school officer.

Any person in this State has the right to be vaccinated or to refrain from vaccination, as he may see fit, and any person attempting to compel the vaccination of any other person by any form of force, coercion or intimidation, no matter how high he may think himself in either of our two Departments of Health and Education, will simply be committing a crime against the people under Section 530 of the Penal Code on "Coercion," which is in these words:

"A person who, with a view to compel another person to do or to abstain from doing an act which such other person has a legal right to

do or to abstain from doing, wrongfully and unlawfully uses or attempts the intimidation of such person by threats or force, is guilty of a misdemeanor."

In case, therefore, any child, parent, teacher or school officer is thus coerced or intimidated by any doctor or health officer or by any misinformed school commissioner in thus forcing vaccination illegally upon any such person against free will and consent or with a view to deny to any healthy child his inalienable right to education under the laws of this State, I would advise that a complaint be at once entered before the nearest Magistrate for the arrest and prosecution of such intimidator under this Section of the Penal Code.

CIVIL DAMAGE SUITS

I might here cite two civil damage suits that were tried in Brooklyn against doctors and health officers for illegal vaccination by intimidation or force, as a civil warning to our present vaccinators in addition to the criminal warning already given.

One of these suits was the case of Smith vs. Health Commissioner Emery, tried before Judge Brown and a jury in 1896, where a verdict of $489.00 was given in favor of the expressman Smith for false imprisonment and illegal quarantine while Dr. Emery was trying to force him to be vaccinated against his will and consent. The other instance was the case of Schaeffer vs. Schelling, in which a judgment for $1,500 was entered Nov. 19, 1895, in the Supreme Court in Brooklyn against Dr. Schelling, Commissioner Emery's Assistant, in favor of Mr. Schaeffer for forcible vaccination of himself and his family, and the record in the County Clerk's Office shows this judgment was duly paid to the injured Schaeffer.

These instances of the illegality of all actual compulsory vaccination given by our own Brooklyn courts and juries should be sufficient warning to any of our would-be medical despots who may now attempt any illegal intimidation under the false cover of the new Loyster Law.

CONCLUSION

From what has been already shown it now rests entirely with parents, teachers and school officers themselves to simply assert their legal rights most firmly and positively along the lines fully stated herein to make this present Loyster Law a non-enforceable absurdity in Law and Equity, as it really is, and thus lead to its early repeal in the next Legislature or its invalidation in our courts if any confident vaccinator

desires to test it there. In this case, therefore, the old motto of Civic Liberty applies here most emphatically, *"He who would be free, himself must strike the blow."*

Strike boldly, therefore, all ye parents, teachers and school officers, against this evil law forced on the people by the medical interests, and thus secure your freedom from the greatest barbarism ever inflicted upon a free people by the most dangerous form of coercive dogmatism now existing in our body politic, viz., *compulsory medicine,* which is far more dangerous to human liberty, health and life than compulsory religion ever was but which must now be explicitly prohibited by law as fully and completely as all compulsory religion is now prohibited.

Hoping, therefore, that these facts, suggestions and advices will be of some help to you and other parents in securing your constitutional and inalienable right to the education of your children without having to surely poison them, or possibly kill them in advance, as a pre-condition for such education, I remain,

Yours very truly,

CHAS. M. HIGGINS,
Treasurer Anti-Vaccination League of America.

271 Ninth St., Brooklyn, N. Y.,
August 27, 1915.

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FULL TEXT OF THE LOYSTER-TALLETT VACCINATION LAW NOW IN FORCE IN NEW YORK STATE.

LAWS OF NEW YORK.—By Authority.

CHAP. 133.

AN ACT to amend the public health law, in relation to vaccination. Became a law March 30, 1915, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections three hundred and ten and three hundred and eleven of chapter forty-nine of the laws of nineteen hundred and nine, entitled "An act in relation to the public health, constituting chapter forty-five of the consolidated laws," are hereby amended to read, respectively, as follows:

§ 310. *Vaccination of school children.* 1. A child or person not vaccinated shall not be admitted or received into a school in a city of the first or second class. The board, officers or other person having the charge, management or control of such school shall cause this provision of law to be enforced. The board of health or other board, commission or officers of such city having jurisdiction of the enforcement of the chapter therein shall provide, at the expense of the city for the vaccination of all pupils of such school whose parents or guardian do not provide vaccination for them.

2. Whenever smallpox exists in any other city or school district, or in the vicinity thereof, and the state commissioner of health shall certify in writing to the school authorities in charge of any school or schools in such city or district, it shall become the duty of such school authorities to exclude from such schools every child or person who does not furnish a certificate from a duly licensed physician to the effect that he has successfuly vaccinated such child or person with vaccine virus in the usual manner or that such child or person shows evidence by scar of a successful previous vaccination. Whenever school authorities having the charge, management and control of schools in a district or city cause this provision of law to be enforced, the local board of health shall provide for the vaccination of all children whose parents or guardian do not provide such vaccination.

3. The expense incurred, when such vaccination is performed under the direction of the local health authorities, shall be a charge upon the municipality in which the child or person vaccinated resided,

and shall be audited and paid in the same manner as other expenses incurred by such municipality are audited and paid. The local boards of health or other health authorities may, in their discretion, provide for the payment of additional compensation to health officers performing such vaccination.

§ 311. *Vaccination how made; reports.* 1. No person shall perform vaccination for the prevention of smallpox who is not a regularly licensed physician under the laws of the state. Vaccination shall be performed in such manner only as shall be prescribed by the state commissioner of health.

2. No physician shall use vaccine virus for the prevention of smallpox unless such vaccine virus is produced under license issued by the secretary of the treasury of the United States and is accompanied by a certificate of approval by the state commissioner of health, and such vaccine virus shall then be used only within the period of time specified in such approval.

3. Every physician performing a vaccination shall within ten days make a report to the state commissioner of health upon a form furnished by such commissioner setting forth the full name and age of the person vaccinated and, if such person is a minor, the name and address of his parents, the date of vaccination, the date of previous vaccination if possible, the name of the maker of the vaccine virus and the lot or batch number of such vaccine virus.

§ 2. This act shall take effect immediately.

THE LOYSTER LAW LEGALLY AND LOGICALLY ANALYZED POINTS FOR LAWYERS AND LAYMEN

We think that any competent lawyers who carefully consider this vaccination law will agree that it is a rich piece of medical craft and graft and of legal fatuity from beginning to end.

FIRST POINT: ILLEGAL DISCRIMINATION AGAINST LARGE CITIES

It will be noted that the country legislators who fathered this bill discriminated in favor of themselves and against citizens in other parts of the state—the ten big cities—so as to admit unvaccinated children freely to all schools in their own country districts, as in section 310, paragraph 2 of the law, whereas in paragraph 1 no unvaccinated child can be admitted to any of our schools whatever in the ten cities of the first and second class! And yet smallpox is ten times more frequent in country districts than in cities and vaccination is therefore needed ten times more in the country than in cities if the theory of the vaccinators is correct!

Such law is therefore unreasonable, arbitrary and discriminating and of course no law making such arbitrary, class, and local distinctions can be legal or constitutional as before stated. See interesting opinion of Justice Woodward on this very point on "Magna Charta" and the "law of the land" in the decision of the Appellate Court in case of Viemeister in 1903.

SECOND POINT: ILLEGAL AND EXCESSIVE PENALTY

The "penalty" which this law ostensibly applies for failure to submit to vaccination is to deny the school child his most inalienable right to education, and to the school teacher his inalienable right to earn his living and follow his most important profession of teaching the child. This we believe to be absolutely unconstitutional on two principles, viz.: 1st, That cruel and unusual punishments cannot be inflicted and, 2d, that no "franchise," "privilege" or essential "right" of any citizen can be taken away "unless by the law of the land or the judgment of his peers." Both of these prohibitions are in the very first article of our state constitution, showing their primal importance in all valid law.

We therefore very much doubt whether the violation of any mere rule of so-called "police power" or "public health" can be penalized in this extraordinary fashion by taking away some fundamental or primal right of the citizen. Such rule can obviously be legally enforced only by some penalty which is not "excessive," "cruel" or "unusual," such for example as that of a specific fine which is not in itself "excessive." The law of Massachusetts for example is a specimen of such a rational or constitutional law where it is attempted to enforce the vaccination rule only by a fine of five dollars. And it will be remembered that the highest court of that state in passing on this law decided that while the fine might be legally enforced and collected, yet the state could not compel or enforce the actual vaccination of any person who objected to the operation.

And remember also that the learned court gave this decision under the false idea, into which it was misled by false medical authority, that vaccination was ordinarily perfectly safe and harmless and only "theoretically" capable of the "possibility of injury." What would this learned court have said on this law if it realized the easily demonstrated truth that vaccination is actually more dangerous than smallpox and now kills more children every year than smallpox?

It may be further noted that the Supreme Court of the United States passed on this case—Jacobson vs. Massachusetts—in 1904, with a divided opinion, the majority holding that to enforce a rule for vaccination by a fine was constitutional, but Judges Brewer and Peckham dissented to this evidently holding that all vaccination must be free and voluntary under our national constitution. The majority of the court also decided that vaccination could not be enforced if it were dangerous to health or life.

THIRD POINT: VACCINATION CANNOT BE LEGALLY FORCED EXCLUSIVELY ON ONE SPECIAL CLASS OR PART OF THE POPULATION WITHOUT ANY SPECIAL REASON OR JUSTIFICATION.

It must be here specially noted that the aforesaid law of Massachusetts applies to all classes of the population generally and is not arbitrarily limited to one or two classes, as in our absurd vaccination law, which is limited to pupils and teachers in our schools, as if school children and teachers were the only part of the population that were subject to smallpox and therefore must be specially protected from it by forcing them to be vaccinated under penalty of abandoning their

primal rights—a penalty which is not applied to any other part of the population! I have already shown that the school age to which this absurd law specially applies is, on the contrary, the very section of the population which is *least subject to smallpox* and has the greatest natural immunity against this disease *and all other causes of death,* so much so that it shows regularly every year only about five per cent. of the total mortality, although it constitutes one-quarter of the whole population.

SCHOOL CHILDREN MOST VITAL AND IMMUNE PART OF THE POPULATION

To prove this most significant point, I herewith annex a diagram from the annual report of our State Dept. of Health for 1912, showing the total deaths from all causes in the ten million population of this state and the proportional deaths in each age class.

DEATH RATE AND PER CENT OF DEATHS AT DIFFERENT AGE PERIODS

1912

STATE OF NEW YORK

AGE PERIOD	NO. OF DEATHS	Death rate per 1000 living at all ages	Per cent of total mortality
Under 1 Year	24,681	2.6	17.3
1 year to 5 years	10,106	1.1	7.1
5 " 10 "	2,707	0.3	1.9
10 " 20 "	4,440	0.46	3.1
20 " 40 "	22,544	2.35	15.8
40 " 60 "	31,371	3.27	22.0
60 " 80 "	36,110	3.7	25.3
Over 80	10,279	1.07	7.2
Unknown	139	0.014	0.097
Total deaths at all ages	142,377	14.8	100.0-

It will be here noted that the vitality of the school age, 6 to 19, is so extraordinary that its actual mortality from all causes of death is

only five per cent. of the total deaths, although this age-class constitutes one-quarter of the whole population, there being about two and one-half million children of school age in New York State. This astounding fact alone, when properly grasped, is absolutely overwhelming and convincing in proving the absolute absurdity and needlessness of compulsory vaccination on the school age and the invalidity of the present law, because not only has this age the lowest natural susceptibility to death from smallpox, but also to all other causes of death, which are one hundred times more fatal and frequent than smallpox; and therefore this age should not be arbitrarily and needlessly oppressed by any class law.

SCHOOL AGE MOST IMMUNE TO SMALLPOX

To show that the school age has the greatest relative immunity from smallpox, as a particular disease, as it also has from all causes of death, I will here give the list of total deaths from smallpox in our last greatest epidemic year of 1901 in New York City, with the actual number of deaths in each age-class as given in the report of the Health Department for that year.

Total Deaths from smallpox, all ages, in New York City in 1901, last greatest epidemic year.....		410
Deaths under five years.....	48% of total.....	197
Deaths in school age, five to fifteen..	8% of total.....	32
Deaths over fifteen.....	44% of total.....	181
	100%	410

It will thus be seen that in our last great epidemic in our largest city infants and adults are shown to be most subject to smallpox while the school age is least subject, not only relatively but absolutely and to an extraordinary degree, as it shows only eight per cent. of the total smallpox deaths while it constitutes one-quarter of the population, whereas the infant age under five forms only half this proportion, or about one-eighth of the population, and yet shows forty-eight per cent. or nearly half of all the smallpox deaths!

We have heard a good deal of false nonsense from time to time from the vaccination doctors about vaccination changing the "age incidence" of this disease from the infant to the adult age; that, whereas before the days of vaccination smallpox was almost purely an infant disease, but in our times vaccination has so saved the infant age from

smallpox that it has now transferred the "age incidence" from infants to adults and made modern smallpox chiefly a disease of poorly vaccinated adults! We can now see how false and stupid this claim is when in our very last epidemic year of 1901 in our greatest city nearly one-half of all the smallpox deaths were among infants and the least among children of school age, just as it was before the days of vaccination, which has made no serious difference whatever in the "age incidence" or the mortality of the disease.

In attempting to answer some of my press articles of last year on the falsehoods and fatalities of vaccination, Dr. J. Dana Hubbard, of the City Department of Health, undertook to use this false and stale old argument of change of "age incidence," etc., in a special article in the New York Sun of June 21, 1914, in defense of vaccination. I have now shown what nonsense and fallacy this defense is and that Dr. Hubbard seems to be grossly ignorant of the easily accessible records of his own Department, which fully refute him and show that he has been simply fooling himself and the public with old moss-covered fallacies of the vaccination cult, which any up-to-date doctor familiar with the real facts of this complex subject should be ashamed to any longer repeat.

The false argument may just here be attempted by vaccinators that the school age is relatively immune to smallpox because it is more vaccinated than any other age, but this is false and absurd for the reason that the school age shows even a higher immunity against all other causes of death which are a hundred times more fatal and frequent than smallpox, and therefore the natural immunity and vitality which protects it from these more frequent and fatal diseases also protects it from smallpox, which is, perhaps the most insignificant of all our causes of death, being usually exceeded by death from lightning! And furthermore, we find in communities where little or no compulsory vaccination is placed on the school child, such as in England, that this age shows the same extraordinary relative immunity against smallpox and all other causes of death.

To fix this striking point of the great vitality and immunity of the school age firmly in the mind it may be here said, that, while the school age forms one-quarter of the whole population and has only five per cent. of the total deaths, the infant age under five years constitutes about one-eighth of the population and has about 30 per cent. of the total deaths, whereas, the adult ages over 20 constitute about five-eighths of the population and have about 65 per cent., or five-eighths, of the total deaths. In other words, the mortality of the

adult age is *normal,* or *directly proportional to its numbers in the population,* while the mortality of the infant age is *abnormal* or *far beyond its proportion in the population,* whereas the mortality of the school age is most remarkably *sub-normal* or much less than its proportion in the population.

RELATIVE DANGERS FROM SMALLPOX, LIGHTNING AND LOCKJAW.

It may be worth while here to show the relative insignificance of smallpox as a cause of death in this State by comparing it with deaths from Lightning, Murder and Lockjaw, and I here give the actual fatal figures on these four causes for the last four years, as reported in the official State Reports:

	Smallpox	Lightning	Homicide	Lockjaw
1910	7 deaths	16 deaths	606 deaths	94 deaths
1911	3 "	30 "	449 "	114 "
1912	4 "	21 "	434 "	97 "
1913	1 "	13 "	461 "	111 "

It will be readily seen from these figures that there is six times more danger of being struck by lightning than of being killed by smallpox, and one hundred times more danger of being killed by murder and over twenty-five times more danger of being killed by lockjaw. Lockjaw is therefore many times more dangerous than smallpox, and to this serious danger every vaccinated person in this State is subjected, for, as a matter of demonstrable fact, at least ten per cent of all lockjaw deaths are caused by vaccination wounds. These facts and figures therefore clearly prove that lockjaw is a much more serious danger and more frequent cause of death in this State than smallpox, and that a person who remains unvaccinated in this State of New York and province of Long Island, where the lockjaw infection is so widely diffused, stands far less chance of death than the person who foolishly allows himself or his child to be scared into the greater danger of vaccination as an alleged protection from the rare disease of smallpox of which there is six times less danger of death than of being struck by lightning and twenty-five times less danger of death than of being killed by lockjaw!

VACCINATION FOR VOTERS

In closing this point I will finally ask: What would any lawyer, jurist or citizen think of a law which would make the "right" or "privilege" to register and vote to depend on a "certificate" of "successful vaccination" and which would take away the right of suffrage

unless the voter would consent to be vaccinated and produce such doctor's certificate, at so much per head, to add to the profits of the doctors and the vaccine makers? Yet if the theories of the vaccinators are correct such a law is needed five times more for voters and adults than for school children, as voters and adults are at least five times more susceptible to smallpox and all other diseases than the school age, which is the most vital and immune age in the population and the least in need of any vaccination, as already proved.

FOURTH POINT: THE THEORY THAT VACCINATION PREVENTS SMALLPOX, WHETHER RIGHT OR WRONG, DOES NOT JUSTIFY ANY LAW WHICH FORCES VACCINATION ARBITRARILY AND UNREASONABLY ON ONE CLASS ONLY OF THE POPULATION.

On this point it may be proper to quote the highest Court decision so far rendered in this State on the law of school vaccination and which has been much misunderstood, viz.: the decision of the Court of Appeals in the case of Veimeister in 1904. This court did not construe the several points considered by the Appellate Court in this same case, as before referred to, but gave its decision on practically one point only, which is expressed in its concluding paragraph as follows:

"While we do not decide and cannot decide that vaccination is a preventive of smallpox, we take judicial notice of the fact that this is the common belief of the people of the state, and with this fact as a foundation, we hold that the Statute in question is a health law enacted in a reasonable and proper exercise of the police power."

I do not intend to here criticise this decision in any way but will only now call close attention to the remarkable legal doctrine therein stated, viz.: that if a majority of the people of this state believe in a certain medical theory, or doctrine of public health, they can force that doctrine through the "police power" of the state upon a minority that does not believe it. Now assuming this doctrine to be true, in a limited measure, surely it is not true, and was not intended by the court to be held true, in an unlimited measure or to the extent of invading or denying essential rights guaranteed explicitly by constitutions and charters or distinctly implied in any of the great Declarations of the people? And furthermore, if such medical or health doctrine or dogma can be legally forced by a majority of believers upon a minority of unbelievers, it surely cannot be legally enforced on one class only of these believers or unbelievers, but must be put on both

believers and unbelievers justly and evenly. I have already shown that our vaccination law has never been placed on a majority of the believers or unbelievers and yet the learned Court of Appeals has assumed that the majority of the people of the state believe that vaccination prevents smallpox and is necessary to prevent it. Now if they really believe this, how is it that this "majority" has never placed a law of coercive vaccination on all the people of the state or even on a majority of either believers or unbelievers, but have placed it only on one-quarter section of the people—the school children—which actually need this protection least of all; whereas the three-quarters of the population which are most subject to smallpox—five times more so by actual statistical record of all epidemics—are left entirely without this alleged protection of coercive vaccination? If coercive vaccination is therefore necessary to prevent smallpox, as alleged to be the actual belief of the people of this state, this purpose will surely never be accomplished by any absurd and partial law which puts this alleged protection on the one-quarter of least susceptibles and leaves it off the three-quarters of most susceptibles! There is therefore something radically wrong with this whole legal and medical theory, which surely does not fit the facts, so that notwithstanding the fact that coercive vaccination—the only alleged remedy to prevent smallpox—has never been placed in this state on the three-quarters of our population which is most subject to smallpox, yet smallpox has steadily declined in this State and has declined even more in other states and cities where no coercive vaccination has been enforced on any part of the population.

Even if we admit freely that vaccination prevents smallpox, and is necessary to prevent it, yet this would not justify any partial law that puts coercive vaccination arbitrarily on one section of the population only and that section the very one that least needs it but this, we submit, would be, per contra, a good reason for condemning and invalidating that law as a matter of legal and constitutional propriety, which point our courts have yet to pass upon.

It is, however, really irrelevant to the main issue—the validity of coercive vaccination—whether vaccination is or is not a preventive of smallpox, and we might admit that it is a preventive, to a certain limited extent, or even more so, and yet coercive vaccination might be absolutely illegal and non-enforceable on other grounds, and one of these grounds is expressed in the next point.

FIFTH POINT: INFLICTING A WOUND AND DISEASE, COERCIVELY, IS AN ILLEGAL ACT

This important point is: that vaccination consists in the bodily infliction of a wound and disease which is per se, dangerous to life and health and frequently kills and therefore can not be legally forced on any person. As an historic and legal example of this point we might cite the practice of smallpox inoculation, which preceded vaccination, and which flourished over a century under the approval of the highest medical authorities of the time, and which it was freely admitted gave considerable protection against natural smallpox, like the bovine vaccination of to-day, yet this practice of inoculation was finally declared to be illegal and was prohibited by penal law because it was found to be very dangerous to human health and life and really more dangerous than natural smallpox, and actually increased smallpox, which declined rapidly as soon as this inoculation was abandoned.

It will be noted that this point is fully supported by the decision of the highest court in the country, the U. S. Supreme Court, in the case of Jacobson vs. Massachusetts in 1904, which clearly declared that vaccination can not be forced on any person who can show that it is dangerous to health or life, which it is, per se, in every case.

All Vaccination Potentially Dangerous or Deadly

Vaccination is nothing more or less than "Purulent Infection and Septicemia," which is a regular cause of death in our yearly death lists and shows about 300 deaths every year in this State. Under this head and under the head of Lockjaw or "Tetanus" and some other septic diseases many deaths from vaccination are included and concealed every year by our falsifying doctors, who so foully tell us that vaccination is perfectly safe and harmless.

To show that vaccination is authoritatively recognized as essentially equivalent to Pyaemia and Septicemia (which names mean general and local blood poisoning), I will mention this most significant fact that in the reports of the Registrar-General of England, which is the highest statistical authority in the English speaking world, that many vaccination deaths are regularly acknowledged every year, and these deaths are now classified under a sub-head of Pyaemia-Septicemia which is numbered 20 in the International List of Causes of Death, and the deaths under this general head are divided and classified as follows: Pyaemia No. 20A,

Septicemia No. 20B, Vaccinia No. 20C. And under this latter sub-head, and other heads, more deaths of children are recorded from vaccination almost every year than from smallpox itself! (See page 19 herein.)

SIXTH POINT: FALSE DOCTRINE OF "POLICE POWER" TO INFLICT DISEASE OR DEATH IN THE FALSE NAME OF "PUBLC HEALTH."

INHERENT AND CONSTITUTIONAL RIGHTS OF THE PEOPLE SUPERIOR TO ALL POLICE POWER OF THE LEGISLATURE WHICH CANNOT INVADE THESE RIGHTS.

We have heard a good deal, both in and out of court, of the alleged "Police Power" of the Legislature to inflict compulsory vaccination in some form or other upon the people, but we have yet to find any decision of any court—certainly not from our State courts or from the U. S. Supreme Court—which declares that the Legislature has any "police power" to compel any one to be vaccinated, but the courts have decided the very reverse, as already shown, and particularly if it can be proved that vaccination is dangerous to health and life, which danger I have already demonstrated potentially exists in every case beyond question.

Now it is obvious that true and legal "Police Power" can only be exercised to save the public from harm or danger, to keep disease or harm from the people, to protect them in their undoubted rights, to promote public health, safety and welfare and not to force disease, injury or death upon the people or to invade any of their rights in any serious way; and it needs no argument to show that to inflict a wound upon the healthy human body and to inoculate a dangerous disease into this wound which may infect the whole body and destroy health or life is the most flagrant invasion of the most sacred and important public and personal rights conceivable, which surely cannot be legally justified or sustained in any way, no matter what is the alleged motive or purpose of this wounding and diseasing. And, of course, this evil of compulsory vaccination would never have had the least toleration in our courts were it not that the minds of our courts have been grossly misled from the first by medical falsifiers to regard vaccination as a purely beneficial and entirely harmless operation which is absolutely necessary for public health, both of which propositions are most stupid and dangerous faslehoods, as I have already demonstrated. Modern Bovine Vaccination is, in fact, not essentially different from Smallpox Inoculation which, as already shown, was prohibited by penal law as being highly dangerous

to public health after over a century of use and approval by the highest medical authorities of the past century, and it would perhaps not be difficult to now prove that our modern vaccination is actually more dangerous to man and beast than the old inoculation was, as it has never been recorded that inoculation was responsible for great cattle plagues of foot and mouth disease, which vaccination has already caused several times in this country in 1902, 1908 and 1914, as before shown. See Year Book, U. S. Dept. of Agriculture, 1914, p. 20.

SEVENTH POINT: SEVERAL CONSTITUTIONAL PROVISIONS INVADED BY THE LOYSTER LAW.

It may be proper in this point to briefly consider the several sections of our national and state constitutions which are clearly violated by this evil law of compulsory disease placed arbitrarily on one mere section or class of the population, viz., on school children and other inmates of schools.

Article IV. of the National Constitution states: *"The right of the people to be secure in their persons, houses, paper and effects, against unreasonable searches and seizures shall not be violated."* Surely to search for and seize a healthy and harmless school child, who is unvaccinated, and force him out of school and deny him his unalienable right to education unless he will submit willingly or by force to this barbarous act of compulsory wounding and diseasing of his body—surely this act or law of forced or coercive vaccination is clearly forbidden by this Article IV. of the U. S. Constitution.

In Article VIII. another distinct prohibition is given, which applies clearly to compulsory vaccination as a condition for the exercise of this inalienable right of education: *"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."* This same provision is repeated in Article I., Section 5 of the State Constitution, and has been already partly considered in our Second Point.

Now it will be noted that this evil school vaccination law punishes the refusal to submit to vaccination—which all our courts have decided the citizen has full right to refuse and which the state or legislature has no power whatever to compel—by denial of the indispensable and inalienable right of the child to his education, which is obviously his most important and essential right and which cannot be legally or morally taken away from him by any power whatever in this State, and the attempt to take it away would obviously be the most flagrant and stupid violation of sound public policy conceivable. Is it not therefore a most

cruel and unusual and stupid punishment—worthy only of the most fanatical and barbarous ages of human slavery and compulsory religion to punish refusal to vaccinate (which every citizen has the right to refuse and no power in the state can compel), by denial of the right of education to the child and the right of the parent to have his child educated? Is there not, in fact, an inalienable and self-evident right in the parent to educate his child and in the child to get an education and that this right of parent and child cannot possibly, under our fundamental law, be taken away from them by any medical dogmatism which strives to force upon them any medical operation whatever as a condition for education, whether this operation be considered sometimes beneficial or frequently doubtful, dangerous or fatal.

In this connection it is very significant that the Declaration of Independence refers to *"certain"* unalienable rights *"among which"* are life, liberty and pursuit of happiness. This clearly intimates that there are other individual rights inherent in the people besides those stated, which are equally unalienable and cannot be violated by any power but must be respected and protected by all governments; and this point is clearly re-stated and emphasized in Articles IX. and X. of the U. S. Constitution, which say:

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Surely, therefore, the right of the child to an education and the right of the parent to educate his child is one of these inherent rights in parent and child which cannot be taken away by any evil law which forces a dangerous medical operation upon the school child or his teacher and which is not forced on any other part of the population; and it is therefore believed that, for the several reasons here stated, our courts, if properly appealed to on the proper issues herein suggested, will have no hesitation in invalidating this Loyster Law as a most flagrant violation of inherent and constitutional rights which may be briefly expressed and condensed into these two propositions:

PROPOSITION FIRST.

The right of every child to an education and the right of every parent to have his child educated are inherent and unalienable rights

and cannot be legally made dependent on the acceptance of any medical dogma or operation, even if beneficial, and particularly not when dangerous to health and life and frequently a cause of death.

PROPOSITION SECOND

Any law which forces a compulsory wound and inoculable disease on the human body against free will and consent or, as a condition for the exercise of any right or privilege of any citizen, which is dangerous to life, obviously violates clear constitutional provisions and is also clearly criminal under common law and the Penal Code and is therefore absolutely against private right and public policy and consequently invalid and non-enforceable on broad legal and equitable principles.

EIGHTH POINT: ILLEGAL MEDICAL GRAFT IN DOUBLE COMPENSATION TO HEALTH OFFICERS

It will be noted on reading paragraph 3 in section 310 of the Loyster law that an unblushing provision of illegal medical graft appears boldly and stupidly in gross violation of the State Constitution, in these words: "The local boards of health * * may * * provide for the payment of additional compensation to health officers performing such vaccination." In other words, the vaccinating doctors or health officers may, in addition to their regular salaries or compensation, be paid extra for every public vaccination performed! Medical graft is thus clearly streaked all through this bill for, in addition to taking the enforcement of the vaccination law from the discretionary hands of the school officers, who have no pecuniary interest in enforcing vaccination, it is now turned over to the mandatory power of the health officers, who can get up a smallpox scare and vaccination raid at any time on the alleged appearance of one little case of smallpox or pseudo-smallpox in any town or city, and thus reap a rich reward of double pay for every vaccination performed! Was there ever a more disgraceful, "raw," or illegal form of medical graft forced upon the people than in this clause, for which Mr. Loyster and his bill drafting allies in the State Department of Health seem to be wholly responsible? The suffering people of this State, still grieving for the loss of their precious children killed in the last vaccination raid, can rest easy, however, in the assurance that after this exposure they probably need fear no further menace now from this stupid law which we believe no Court will allow to be enforced in this State by reason of its many illegal and unconstitutional features, already pointed out, including this latter point of medical graft and double compensation, which is clearly prohibited in Article 3, Section 28, of the State Constitution. See also Article 10, Section 9.

NINTH POINT: OTHER POSSIBLE MEDICAL GRAFT IN EXCLUSIVE USE OF SPECIAL VIRUS

Not only does the Loyster Law give the vaccinating doctors double fees for every public vaccination performed, which means an enormous sum for the doctors, with forced vaccination inflicted on all school children in this State, but also gives the State Health Commissioner sole power to prescribe *the particular brand or brands of virus* to be used in the State! See paragraph 2, section 311. He could therefore, for example, allow only the Lederle brand of virus, which is made in this State by, or under the name of, a former Health Commissioner of New York City, Dr. Ernst J. Lederle, under whose administration the present State Commissioner of Health, Dr. Biggs, was a subordinate officer for many years in New York City. Commissioner Biggs could therefore order that only the Lederle, or some other favorite virus, could be used for vaccinating any one of our ten millions in this State, and he could forbid the use of the Mulford or Parke-Davis viruses, which are made in other States and are the viruses now most used in this State and have been used, as testified by Mr. Loyster, at the legislative hearing on his Bill, in most of the fatal cases of vaccination in this State in 1914, and were also the viruses which have caused some of the great epidemics of foot and mouth disease in cattle throughout this and other states in 1908, as shown in U. S. Government reports, Bureau of Animal Industry, of 1908. This is a rather needless or dangerous power to give to any State Commissioner, particularly after the U. S. Government has already passed upon each brand of virus and inspected and approved it; and if this double inspection and approval by the Nation and State is necessary, this fact will only go to show how dangerous, indeed, these products are to the health and life of man and beast. It will be readily seen, however, that this exclusive power to prescribe the use of any particular virus in this State, notwithstanding the Government approval, might lead to great medical graft, and, with a compulsory vaccination law in all schools in this State, public and private, could make a fortune for a favorite brand of virus, like the Lederle brand for instance, and for the doctors or health officials who might be interested in the stock of such a company. The possible graft, therefore, in this feature of the Loyster Law is obvious and, we believe, needs no further comment, except to here suggest that the people of this State have a right to know whether any of our health officials are now, or have been, interested in any vaccine companies, directly or indirectly.

TENTH POINT: ONLY ONE GOOD FEATURE OF THE LOYSTER LAW—RECORD OF VACCINATIONS

We are glad that there is at least one feature of this law that is not bad and can be approved, and this occurs in the third and last para-

graph in section 311, which provides for a record of all vaccinations made and compels the doctors to record not only the name and address of the child and its parents, but also the date of last and previous vaccinations, the brand of virus used and its lot, mark or number, so that it can be readily identified if trouble is afterwards caused by it in the vaccination of the child. Like a vicious dog, therefore, this Loyster Law seems to be harmless only at the tail end but very dangerous in front. This provision at the tail end, however, for a record of the virus used is itself of very little value, and does not go far enough, as this record to be really valuable should provide for a true and full report of *the results of the vaccination on the child* and the mention of the fact of any sickness, injury or death following the vaccination and particularly the mention in every death certificate of vaccination as a primary or secondary cause of death whenever it actually or evidently exists as such in any instance, which at present is usually shamefully denied and concealed by vaccinators. For example, it is a common thing where children die of vaccination, either as a direct result of the cowpox infection or by some secondary infection of lockjaw or septicemia conveyed in the virus itself or from some external source in the environs or habitat of the patient, that no mention whatever is made in the death certificates of the infecting act of vaccination itself as a primary or secondary cause of death, which of course it is in every such case, but the cause of death will usually be attributed solely to the secondary infection of "Tetanus," "Septicemia," etc., without any mention whatever of the primary disease or infection of vaccination, without which the secondary infection and death would never have occurred. This is, of course, in direct violation of standard statistical rules governing death certificates and yet is commonly practiced in this State and tolerated by our health officials, interested in one way or another in vaccination, but this wrong should be rigidly prohibited and penalized by the immediate passage of a special law. Now, if the Loyster Law had provided for some such record as this it would have been worth while, whereas the present record of the virus only is of very little use without the record of the results produced by the virus on the victim of the vaccination.

Our League had a special bill introduced in the Legislature a few years ago to provide for this full record of virus and its results, but it was defeated by the same dangerous medical and political power which seems to control our medical legislation and has given us all our evil compulsory medical laws and which we believe has misled Mr. Loyster into supposing that he has made a great reform in the present law, but which we think we have now shown to be a tissue of dangerous medical illegalities and of medical craft and graft from beginning to end, with which our courts will doubtless deal effectually in due time to protect the most sacred rights of the people from such dangerous medical domination and compulsion.

THE LOCKJAW LIE, AND DR. ANDERSON'S REPORT, ANSWERED. FIVE CHILDREN KILLED IN ONE WEEK.

It will be noted that the present pamphlet is confined to the legal aspects of compulsory vaccination and to the facts which clearly prove its dangerous and deadly nature, per se, and therefore, the illegality and criminality of its enforcement on any person. In supplementary second and third pamphlets now in press, entitled respectively, "The Story of a Continental Lie," and, "Vaccination Horrors and Lies," extensively illustrated, we will treat other aspects of this great and complex subject.

In the second pamphlet we will refute the stupid medical falsehood given great currency by some of our deluded daily newspapers that "Those who are vaccinated do not get smallpox," and we will prove that the majority of smallpox cases are among the well vaccinated and the minority among the unvaccinated.

In the third pamphlet we will fully answer the more recent falsehoods which we term, "The Lockjaw Lie," and, "The Phillipine Falsehood," to which some of our big deluded editors have so stupidly and confidently committed themselves within the last two months, on the basis of certain government reports which state that millions of persons can be and are vaccinated, as alleged, in the Phillipine Islands, without a single injury or death, and that fatal lockjaw infection is never conveyed in vaccine virus itself or caused by vaccination. The latter conclusion has been based on a recent report by Dr. J. F. Anderson, of the U. S. Public Health Service, which the falsifying vaccinators have made much use of in attempts to sustain their favorite and shocking falsehood that vaccination is perfectly safe and harmless and never causes death by lockjaw directly or indirectly, but which report we will show is most futile, and absurd as any defense of vaccination against the impregnable proofs of its deadly effects through lockjaw and many other septic infections caused both by the virus and the vaccination wound.

As we now go to press the daily papers of the last week (September 30 to October 7), as if in fateful reproof of these shocking medical falsehoods, report the deaths of five children from lockjaw following vaccination in the usual periods of incubation. These cases are the two little boys, 5 and 7 years, of Charles Perks, of Burlington, N. J.; Dorothy Klemm, 5 years, of 148 Smart Av., Flushing; Martha Markusson, 5 years, of 766 41st St., Brooklyn, and Eleanor Fredericks, 6 years, of Fort Wadsworth, Staten Island. Thirty children were killed by vaccination in New York State about this time last year, so that this is now evidently the "open season" for this medical slaughter of the innocents by compulsory disease, which we believe will have to be ultimately stopped by criminal proceedings against the men, high or low, who can be convicted as responsible for these medical homicides before our courts and juries.

LETTER TO MR. LOYSTER FROM MR. HIGGINS EXPOSING THE EVILS OF THE LOYSTER LAW

DEATH OF THE STILLWAGGON BOY FROM VACCINATION CITED AS AN EXAMPLE OF MANY OTHERS. VACCINATORS WHO KILL CHILDREN COMPARED TO PRESIDENT McKINLEY'S ASSASSIN. ABSURDITY AND WORTHLESSNESS OF THEIR "REPORTS" ON SUCH DEATHS DEMONSTRATED. WARNING AGAINST THIS CHILD SLAUGHTER AS BEING A CRIME UNDER THE PENAL CODE.

Mr. James A. Loyster,
Cazenovia, N. Y.

Dear Mr. Loyster:

I herewith enclose a copy of an article from the Brooklyn Eagle of March 7th, showing the death of another little victim of vaccination on the thirteenth day after the operation, namely, Nathan H. Stillwaggon, son of John H. Stillwaggon, of 317 Ward Street, Richmond Hill, Long Island, N. Y., aged six.

The doctors, as you will see, deny all responsibility of vaccination for the death which is the usual medical falsehood in such cases, which cries to Heaven for punishment and must make the angels weep while the devils laugh; and this is another case to add to your collection in the next edition of your pamphlet, which will now make 27 deaths of children from vaccination in this State in less than one year.

ENDANGERING LIFE OF CHILD A CRIME UNDER PENAL CODE

As to the "report" of the doctors in this case, you know what a farce these "reports" and "investigations" usually are and what an absurdity they are from a legal and judicial aspect, that is, the offender reporting on and trying himself and acting as judge and jury in his own case! We might as well accept an exculpatory report from Czolgosz on the killing of McKinley as accept a report from our vaccinating doctors on a vaccination death. These doctors are all employes of the city and the city also makes this virus which they use in their operations. Now, does any man of common sense expect that any one of these city employes will legally and publicly acknowledge, under his own signature, that these coercive medical operations, which they perform on our little frightened children against the wish or desire of their parents, actually kill these children? And does any one expect that these men

will legally and publicly admit that this virus, made by the city, which they put into the children's bodies in this entirely unnecessary and dangerous operation of vaccination, is actually, per se, a virulent, active blood poison, a purulent infection and septicemia pure and simple, which is capable of killing any child at any time within a few days or weeks, faster than the worst smallpox ever kills them, depending almost altogether on the constitution and present condition of the child vaccinated? If they made any such horrible but true admission as this it would probably not be difficult to convict the doctor guilty of any such act in about ten minutes before any jury in this vicinage, under Section 483 of the Penal Code on "Endangering Life or Health of Child," and under Section 1050 on "Manslaughter." In addition to such criminal prosecution, the ground would be clearly laid for a civil suit for heavy damages by the parents against the city for the loss of their child caused by such dangerous acts of medical malpractice by its agents and employes and by the use of its infecting manufactured product on the body of such child, which they so falsely and foully represent as perfectly safe and harmless.

We will, of course, never get these doctors to admit these facts and stop their dangerous practices until we either put able and eminent laymen at the head of our health departments, who will compel them to tell the truth, or until we prosecute them under our civil and criminal laws for any dangerous and illegal acts of which they may be guilty.

THE LOYSTER BILL ANALYZED AND CONDEMNED

I also enclose the latest copy of your amended Bill which, as you probably know by this time, has already passed the Assembly. As you look over this bill you will readily see what a fine piece of work it is in favor of the vaccinators and against the life of school children in this State and against the sacred rights of their parents to the sanctity of the bodies, health and life of their children, who are the most sacred possession of the parent.

In your address to the legislators, which you will see I have had printed for public circulation under the title of "A Heart to Heart Talk," you ask them in a manly way, *"Do you want to stand up for this old law? Are you going to sit here and let this law kill more children?"* They have now virtually answered you in the amended bill which your legislative friends in the Assembly have just passed as an evident honor to you: "Yes. We are not only going to stand up for this old law, but we will make this old law four times worse, so that it will apply to

every school, public or private, in this State, and leave no school which any child can enter unvaccinated, so as to make the possible slaughter of the children by this law and the possible profits of the vaccinators and vaccine mongers four times more."

I now therefore ask you to carefully look at this shocking piece of legislation, which has been drawn by yourself and manipulated by your coadjutors, the health officials of this State, into whose scheme you have fallen (against all my warnings), and passed by your legislative friends, who do not seem to know when they are made the victims of medical craft and graft, and who have now perpetrated one of the most shameful and dangerous pieces of legislation that has ever been inflicted on the people of this State by our medical autocrats.

You can therefore see what a splendid monument this Bill will be to your memory and to the memory of your precious boy, slaughtered by coercive vaccination, if we should not be able to defeat it and it should be passed by the Senate and signed by the Governor.

You will see that there are two laws in this bill, one for big cities and one for the rest of the State, and that by this cowardly and illegal division you have got a law for your own country districts which is a little more favorable to the country children than for the city districts. For the city districts the law gives no escape whatever for our city children but forces this murderous practice of coercive vaccination on every school child, public or private. It therefore now threatens to put this evil on my own children, who go to private school. While I have never yet been injured by vaccination, because I knew enough to know that almost all the grounds upon which compulsory vaccination is based are outrageous falsehoods, yet I have fought day and night for years, exhausted my health, and have spent a fortune in money for the benefit of others who are not rich enough to be able to send their children to private school and escape this damnable doctor-made law; and yet you and your friends now come in with a contemptible and cowardly bill which will relieve their own children in the country districts to a certain extent from the evils of vaccination, for the price of putting this barbarous evil four-fold stronger on all the children of the big cities, where the profits of the doctors will be four times more.

Now, all I have to say here is that, if you stand for this kind of thing, you are an entirely different man from what I believed you to be. And, of course, it is unnecessary for me to tell you that I shall oppose this evil bill to the very end, with my last ounce of strength, last idea of logic and my last dollar of money, until all this kind of legislation is buried out of sight of every decent man in this State and a law passed

which will repeal the crime of compulsory medical disease on our school children and make it as great a curiosity of a past barbarism as our State and National constitutions now make the old barbarism of compulsory religion, from which barbarism the people suffered so much in a past age, but not half as much as they now suffer from the much more dangerous barbarism of compulsory disease, forced upon us by our gigantic medical societies and interests, of which our health departments, as now directed, are part and parcel.

Yours very truly,

(Signed) CHAS. M. HIGGINS,
Treasurer Anti-Vaccination League of America.

271 Ninth St., Brooklyn, N. Y.
March 10, 1915.

MR. LOYSTER'S ANSWER

It is not necessary that we here publish all of Mr. Loyster's answer to this letter, which is very long and somewhat involved in his effort to justify what cannot be justified, but I think it is proper to publish the first paragraph of his letter to show that he takes full responsibility for this law as his own special work and that I therefore do him no injustice in putting the chief responsibility for the passage of this evil law on the man who seems to take such pride in this work and seems to be so sure that the organized coecrcive vaccinators in our health departments and medical societies have not fooled him in his advocacy of their pet profitable and illegal schemes, which they have fully secured in this lawless law.

James A. Loyster,
Member Republican State Committee,
Madison County.

Cazenovia, N. Y., March 15, 1915.

Dear Mr. Higgins:

Your letter of March 10 is received. From its tenor it is apparent that it is useless for us to discuss the Tallett Bill.

As I have repeatedly written you, this bill is in the nature of a compromise, and is not exactly the bill I would place on the statute books if I could have my own way. It is my creation, however, and with one exception every item in it has had my approval. I do not

think you can expect me to listen to the flood of billingsgate that you are pouring out against a bill that I am more largely responsible for than any other person without a feeling of resentment. I do not feel at all flattered at your assumption that I have not sufficient brains to know whether or not I am being hoodwinked by any of the doctors connected with the department of health. I have for many years flattered myself on the possession of an ordinary amount of intelligence, and naturally it wounds my vanity to find out that I am * * *

* * * * * * * * * *

Very sincerely yours,

(Signed) James A. Loyster.

A FEW WORDS FOR MR. LOYSTER AND HIS COLLEAGUES

It will be seen from the above how Mr. Loyster resents the idea that he or his colleagues, Mr. Tallett or Senator Jones, have been in any way hoodwinked by the medical powers in this State in getting measures enacted in the Loyster-Jones-Tallett Law which just suit the vaccination doctors and which they have been trying to get through for years past against our successful opposition. Does Mr. Loyster, therefore, mean to coolly tell us that these sinister measures were and are his own spontaneous ideas solely and purely? And does he mean to tell us that to take compulsory vaccination off the school children in his own little town of Cazenovia, of two thousand population, and in Mr. Tallett's little town of De Ruyter, of six hundred population, and to put this medical evil on every school, public and private, in *the ten leading cities of the state, with a population of six millions,* and with *double pay to the doctors for every public vaccination performed,* is his own particular idea of a proper law to be passed in this State in the interest of the people? And does he really think that this is good and noble and proper political work for him to do in this State as a Republican politician or Statesman, whichever he may regard himself? If he does think so, then I am very sorry for Mr. Loyster; and I thought I had done him an honor in supposing that this was not really his own work but was the work of the dangerous organized medical powers which commonly fool and tool our legislators and also control our medical legislation and our Departments of Health and Vital Statistics in this State, but which system must be soon driven out of power by the people of the State by a radical reform which will place able laymen at the heads of these departments as they now have in Democratic England, and

not the pompous doctors and members of great medical societies, as we now have here, who are professionally interested in many dangerous and profitable medical practices and in denying and concealing deaths and disasters from such practices and not in giving the ten millions of people in this great state either Medical Freedom or Medical Truth.

GIGANTIC MEDICAL INTERESTS BEHIND OUR VACCINATION LAWS MOST DANGEROUS POWER IN BODY POLITIC

To show what a gigantic medical interest is behind all our vaccination laws and is constantly exerting both an open and concealed influence on our Legislature and our State and City Departments and on public opinion, it will be sufficient to give a few facts on this head to make this point obvious.

There are nine concerns licensed by the U. S. Government to manufacture vaccine virus in this country, with a combined capital of about twenty millions! The largest of these concerns is the Parke-Davis Co. of Detroit, with a capital of about ten millions, and the next largest is the H. K. Mulford Co. of Philadelphia, with a capital of about two millions. These nine licensed manufacturers include the Health Department of the City of New York, which is actually engaged in the commercial business of making and selling vaccine virus, not only to doctors here for private use, but to other cities in the country for public use, in addition to its use for public vaccination in New York City and State. This list of licensed manufacturers also includes an ex-Health Commissioner of New York City, Dr. Ernest J. Lederle, or his company, the Lederle Co., of 170 William Street, New York City, which makes vaccine virus and anti-toxins.

It will thus be seen that the vaccine interest is very close to our department officials, and that they actually have a positive official bias or interest in denying and concealing injuries and deaths occurring, directly or indirectly, from the medical products made by their own departments and actually put into the body and blood of our children in operations performed by their own subordinates or doctors, all employes of the City or State!

Now, in addition to this gigantic manufacturing interest of nine vaccine mongers, with nearly twenty millions of capital, there are the gigantic medical societies, both state and national, with tens of thousands of members, which are in practical alliance with these vaccine manufacturers as purchasers and users of their products and also as

the originators, advocates and maintainers of all our compulsory vaccination laws, which are obviously worth millions of dollars every year to these vaccine mongers and the vaccinating doctors who use their products, which are constantly being forced upon the people under our evil and illegal vaccination laws. It will be sufficient to give the names and numbers of these medical societies to show what a dangerous power we have in the body politic, which is solely responsible for placing upon the people this most dangerous and illegal oppression of compulsory medicine, an oppression much more evil than compulsory religion ever was, and which is now represented in the evil practice of compulsory vaccination and other schemes of medical compulsion, such as compulsory medical examinations, etc., now improperly forced upon the people.

There is a national association of doctors, known as the "American Medical Association," which has a membership of 40,000 doctors! The head office of this society is in Chicago but it has a large membership in the City and State of New York. In this State we have the following medical societies: "Medical Society of the State of New York," 7,390 members; "Medical Society of the County of New York," 2,515 members; "Medical Society of the County of Kings," 950 members; "Associated Physicians of Long Island," 503 members. There are, of course, many other medical societies, but these are the chief ones, more directly influencing our own City and State; and any one can see at a glance what a menace these societies are and what a dangerous power they are in our body politic when they are in fact united as one body in the advocacy of compulsory medicine in its various dangerous and illegal forms and particularly in the evil form of compulsory vaccination, and it may be set down as a fact that to these medical societies, in connection with the great vaccine mongers, we owe all our compulsory vaccination laws. Experienced legislators have informed me that this gigantic medical power has the most complete organization and lobbying system for influencing legislation of any interest in the State, as we have seen partly illustrated in the passage of the evil Loyster Law.

The history of our compulsory vaccination law shows that this was first passed in 1860 and has ever since been on our statute books with some slight changes until it was superseded by the present Loyster Law, and it was originally passed simply on petition from *the Medical Society of the State of New York* and was rushed through the Legislature and signed by the Governor in a few days without any public consideration or hearing whatever. Numerous efforts have been made by the people of this State at different times during the last ten or more years to have this evil law repealed, but it has been constantly opposed by this same gigantic medical power, which profits immensely by such laws, and which power has been generally able to continue such evil laws by hoodwinking not only our legislators, but also our courts and a large part of our people with its three great falsehoods:

(1) That compulsory vaccination is absolutely necessary for the

prevention of smallpox epidemics and is the only known remedy therefor.

(2) That Sanitation, Isolation and Hygiene have no influence whatever in preventing or controlling smallpox.

(3) That vaccination is perfectly safe and harmless and never causes any injury or death.

I have already demonstrated what dangerous and criminal falsehoods all of these propositions are and need say nothing further on that point here, but any person of common sense can see that when we have the same set of men in full control of our health departments and vital statistics who are also engaged in the practice and profit of vaccination, and when these men have thus full power and a direct interest to deny and conceal injuries and deaths from vaccination and other medical operations in death certificates and yearly reports we obviously cannot expect much reform in this great medical evil and menace until we put able laymen at the heads of these departments, who will have no interest in these medical denials and concealments, and who will administer these departments purely in the interest of the people and not in the interest of medical manufacturers, medical societies and medical theories, as I have already suggested.

To show what a gigantic interest the doctors and medical societies have in our own city government it will be sufficient to consider these figures, which have been given by the President of the Board of Aldermen in a medical journal. There are 8,100 registered doctors in this city of New York, and out of this number nearly one-quarter or 1,632 are in the employment or service of the city which pays a million dollars a year for this service!

It is therefore obvious from all the figures already given what a powerful medical control the people are under unconsciously to themselves, and what a powerfully intrenched and organized medical force we actually have in public office in our body politic in City and State which, under the forms and appearances of looking after the public interest only, is in the strongest possible position to look after the interests of its own profession first and to be safely able to deny and conceal any of the injurious or fatal effects of any of the medical practices, theories, experiments or fads, which it may be regularly practicing or favoring for the time being. This allegation is, of course, the obvious fact because this organized medical force controls all our health departments, vital statistics, death certificates, autopsies, medical reports, etc., etc., and can, of course, make any of these records or reports to suit their medical dogmas, theories or interests and conceal their mistakes; and there is no element now in our City or State governments to adequately check this dangerous, evil and one-sided power, and will not be until we put able laymen in office over this gigantic medical interest, with honest doctors under them of whom plenty can be found in this great profession who can quickly relieve the profession from the disgrace which the oppressions, falsehoods and malpractices of medical compulsion and domination have already brought upon it all over this State and Nation.

LETTER TO GOVERNOR WHITMAN ASKING VETO OF LOYSTER-TALLETT BILL

SINISTER FACTS IN CANVASS AND PASSAGE OF THIS BILL EXPOSED AND CONDEMNED

Subject:—Final appeal to veto the scandalous and dangerous Jones-Tallett Vaccination Bill.

Hon. Charles S. Whitman, *Governor*,
Albany, N. Y.

I again solemnly urge upon you the veto of the Jones-Tallett Vaccination Bill, as being a most shameful and dangerous piece of medical legislation, full of medical craft and graft in the interest of vaccinators and vaccine dealers operating in this State, and worth millions of dollars to this big medical interest.

This bill puts compulsory vaccination on every school child in this State, whether in big cities or country districts, and whether in public, private or parochial schools, whereas the present law applies to public schools only. It has been falsely and foully represented from the first as applying only in case of actual epidemics and as *not applying to the City of New York at all!* Many members of the Senate and Assembly from New York City seem to have voted for the bill on this false representation, into which they have been misled by some person or persons. Such fraud, and deceit, I believe to be a crime under Section 1327 of the Penal Code, and whoever may be guilty of such a crime should be convicted and punished, if possible, under due process of law. Some evidence on this head has already been placed before you, and I believe that this fact alone of gross deception in the canvass and passage of this bill should cause you to veto the bill as a legal outrage and scandal in our legislation.

In addition to this evidence of probable fraud or deceit in the passage of this bill, its enforcement, if it is made a law, on our little school children would be most dangerous to health and life and would result in many deaths every year. I have already clearly proved to you that the school age is most immune to smallpox and has the highest vitality and lowest death-rate from all causes of any age-class in the population, and therefore needs alleged protection from smallpox less than any other class, and that men of voting age, legislators and voters, are five times more subject to smallpox and five times more in need of vaccination than school children, yet no one has attempted to put compulsory vaccination on this manful age, able to bear it with less danger

than children; but, with shameful medical and legislative ignorance and cowardice, this evil has been put only on our little school children, under the false teachings and urgings of our medical societies, health officials, vaccinating doctors and vaccine mongers, who profit immensely by the enforcement of such evil laws.

I have also shown you that vaccination is simply the infliction of a dangerous disease which, for children, is more dangerous to health and life than natural smallpox and now actually kills more children than smallpox, which fact is shamefully concealed in our vital statistics, but is clearly proved in every yearly Report of the highest statistical authority in the world, the Registrar-General of England.

This shameful bill also pretends to make the enforcement of vaccination less rigid in our country districts than in our big cities, under the false idea that cities are more subject to smallpox than country districts as a whole. But this is another shameful falsehood of the men —some of whom are in our State Department of Health—who are responsible for the drafting of this false and evil bill. On the contrary, the country districts, which contain less than half the population of this State have almost always many more cases of smallpox than the City of New York, which contains more than half the population of the State. So much is this the fact that the cases of smallpox in the country districts outside of New York City are usually five or ten times more every year than in New York City. Furthermore, smallpox is, in fact, more of a country disease than a city disease, occurring most where there are paper and rag mills and industries dealing with animal textures, wool, hair, and hides, and with farm filth and domestic animals, etc., and where there are lumber camps and "bunk houses" of railroad and other laborers, with great human overcrowding and gross unsanitary conditions which are absent in the cities; and in fact, most of the cases of smallpox found in the cities come from the country. The shameful falsehood here refuted is therefore only one of many similar falsehoods constantly forced by the ignorant and reckless vaccinators in our health departments and medical societies on the Legislature and the People of this State; and on such falsehoods all vaccination legislation like that in this evil Tallett Bill has been based.

Under these facts and circumstances I therefore submit to the Governor of this State, as a last appeal for Right and Truth and Justice in this matter, that the enactment of this false and evil Jones-Tallett Bill into Law would be a medical crime on the people of this State; and I shall therefore hope that the Governor will be in no way responsible for this crime by signing or approving this scandalous piece of legislation.

Respectfully submitted,

CHAS. M. HIGGINS,
Treasurer Anti-Vaccination League of America.

271 Ninth Street, Brooklyn, N. Y.,
March 31, 1915.

THE HEARING BEFORE THE GOVERNOR

(March 29th, 1915)

To show how this evil Tallett Bill has been falsely represented from the outset so as to win votes on this false basis to rush it through the legislature, as referred to in the above letter and at the hearing before the Governor, it may suffice to state that from the first it has been boldly represented as providing for enforced vaccination only in case of actual epidemics and only in such epidemic districts, and that the law *did not apply at all to big cities* like New York, whereas it was not at all limited to epidemics and applied constantly in all big cities. To prove how well this gross deception has worked, I here give a verbatim copy of a letter written by my own local Assemblyman, Hon. William T. Simpson, of the Twelfth Assembly District in Brooklyn, where I reside, to a neighbor in the same district.

ASSEMBLY CHAMBER

STATE OF NEW YORK

Albany

March 8th, 1915.

Mr. STEPHEN MCNAMEE,
225 14th Street,
Brooklyn, N. Y.

Dear Sir:

Your favor of the 4th instant at hand and was received my me on my return to Albany to-day. In reply thereto beg to say that the Tallett Bill, to which you refer, did not affect the City of New York in any manner and for that reason was not opposed by City members.

I thank you for your favor and will place the same in my file.

Yours very truly,

(Signed) WM. T. SIMPSON,
Assemblyman.

From this shocking letter it is plain that Mr. Simpson and many other members from the city, in both Senate and Assembly, voted for this bill with the idea that it had no reference to the City whatever and that they did this evidently on the mere statement and request of somebody to vote for the bill without ever having read or studied the bill or the letters sent from constituents warning them of the real nature of the bill. Now surely the making of law is the highest and

most sacred function that can be exercised by any man or official, much more sacred and important even than the work of the Judiciary in the interpretation of law or the work of the Executive in the enforcement of law, and surely here is a shocking sample of how some laws are passed and how the most sacred of all official functions is sometimes exercised under political "deals," "combinations," or sinister influences, and particularly through gross neglect of legislators to clearly know what they are voting for before they vote, as seems to have existed in the case of Mr. Simpson and others.

MR. TALLETT'S SHOCKING LETTER

A more shocking example yet of blind or deceptive legislation is found in this letter from Mr. Tallett himself to a voter in Brooklyn, in which he shows complete ignorance of the real nature and scope of his own bill, or rather Mr. Loyster's bill, which he introduced in the Assembly, and in which it will be seen he states in a postscript, written in by his own hand, that the bill does not apply to New York City at all, whereas it, of course, applied, as any tyro in legislation could see at a glance, positively and particularly to New York and other big cities.

ASSEMBLY CHAMBER
STATE OF NEW YORK
Albany

January 29th, 1915.

Mr. PERCY GIANELLA,
608 Fifth Street,
Brooklyn, N. Y.

My Dear Mr. Gianella:

I have your favor of the 28th instant and enclose copy of Assembly Bill No. 125, which will explain itself. This bill is introduced for the purpose of modifying the present vaccination law relative to children in public schools.

Yours very truly,
(Signed) MORRELL E. TALLETT.

MET'EFG

Enclosure (Written in by hand)

This law does not apply in Greater New York. New York City has its own Public Health and Public Education laws.

When Mr. Tallett was confronted with this letter at the hearing before the Governor this is what he said, according to the record of the Hearing:

"When it (his Bill) was introduced I was told that New York City had its own law in regard to the education business and that this wouldn't affect it."

Now, who it was that misled Mr. Tallett and other legislators with this stupid and dangerous falsehood does not yet appear, but I think it is evident from the disgraceful facts above shown how easy it may be for the highly organized medical powers in this State not only to fool but to tool some of our legislators into possibly getting most any kind of a bill through to suit these medical interests, without the actual knowledge or consciousness of these legislators as to what they are really doing, as seems to have been actually the case with the Loyster-Tallett Bill.

To add to this shocking exhibit, I now give an extract from the manly letter of the Senator from my own local district, Hon. William B. Carswell, of Brooklyn, which shows another evil feature in the passage of the Loyster Bill, in that his own vote was actually recorded for this bill while absent without his knowledge or consent and positively against his intentions and orders, and I have reason to think that this is not the only example of such false record in the vote on this Bill.

WILLIAM B. CARSWELL,
6th District.

THE SENATE OF
THE STATE OF NEW YORK
Albany

61 Broadway, New York City, N. Y., June 10th, 1915.

Mr. CHARLES M. HIGGINS,
271 9th Street,
Brooklyn, New York.

Dear Mr. Higgins:

I am in receipt of your favor of the 8th inst., in regard to my vote on the Tallett Bill. From it I learn for the first time, that I am recorded in favor of that measure. I am and was opposed to the measure and my views underwent no change. I not only advised you and several others that I was against the bill, but Senator Jones, who handled the matter in the Senate, was informed by me on the several

occasions he solicited my vote for the bill, that I was against it. I am erroneously recorded in favor of the measure through some mistake of the clerk at the desk, or the copy of the roll call has been incorrectly made out.

* * * * * * * * * *

Trusting I make myself clear in the foregoing, I am, with best wishes,

Very truly yours,

WBC/D (Signed) Wm. B. Carswell.

All these facts as given above surely make a most disgraceful record of improper legislative methods under which the Loyster Bill was passed which speak loudly for themselves and need no further comment here, and I now submit these facts for the information, criticism and judgment of the people of this State as a public duty under the circumstances.

GOVERNOR WHITMAN'S MISTAKE

I now have to add, with regret, how I believe the Governor neglected or shirked his clear duty to consider all the facts we placed before him at the hearing on this evil Loyster Bill, and how he failed to use his own judgment on these facts but deferred judgment on the whole subject to the Commissioners of Health, who, of course, are professionally interested in and committed to the whole subject of vaccination and cannot possibly be considered impartial or proper judges in the matter. We will now let the Governor's own words speak for him, as taken from the official records of the Hearing, in answer to our counsel, Hon. Charles F. Murphy, of Brooklyn.

THE GOVERNOR: Don't you think the Governor is obliged, or rather justified in looking to the Health Department of State and City in a matter that is so peculiarly within its jurisdiction as this matter? I am not in a position myself to decide as to whether vaccination is a good thing or not. It didn't work very well with me.

MR. MURPHY: And that is just why I agree with you. It didn't work well with me, either, Governor.

THE GOVERNOR: Here is the Health Department of the City, at the head of which is a man of national reputation, and whose opinion on questions like this ought to carry great weight anywhere; and the Health Department of the State, whose Commissioner is a man of

standing and a man who has done a great work there, and is doing great work there now. I do not feel as though I ought to pass on that question. The Health Department should do it.

This illustrates clearly how the average legislator and the average executive treats the whole subject of vaccination whenever it is brought officially before them. Instead of considering the actual facts of the matter as the highest possible authority, and considering the whole subject carefully on their own account from these basic facts, they will usually, in a thoughtless, cowardly or shirking way, defer to so-called medical authorities which have a professional interest and bias of the strongest kind on one side only of this subject. Now, how an eminent lawyer like Governor Whitman could make such a logical and judicial mistake as this would be very strange did we not know by long experience that it is so very common with Governors and Legislators who are good lawyers to act like very bad lawyers and poor judges when this complex subject of vaccination comes up, which they will persist in failing to study for themselves and get the real facts of the matter on both sides into their "lay" and unprejudiced minds, as should be the case with every true "juryman" sitting on any contested matter of facts. And surely Governor Whitman is enough of a lawyer to know that, under our fundamental laws, our whole legal system is based on the proposition that the common layman or juryman is perfectly competent to consider *facts* and give his legal decision on them and that the ordinary intelligent layman having no personal, selfish, business or professional interest in the subject at hand is, as a matter of law, *supreme in his judgment on these contested facts,* and that, on the contrary, the man who has a business or professional interest in a subject like vaccination (as our doctors and health officials have) is just the very man who should not be asked to judicially or legally decide any such subject; and yet that is the very mistake that the eminent lawyer, Governor Whitman, made in this case, which is contrary to all the legal logic and equity on which all our great jury and court system is based. To therefore defer the question of the propriety of any vaccination law to the men directly interested in forcing vaccination on the people is just about as logical and judicial as if an ordinary trial judge and jury should conclude they were "incompetent" to pass on the "law" and "facts" involved in the case before them and should abdicate and turn over the whole case to the lawyer for the defendant to settle as he thought best! If Thomas Jefferson had submitted his great Declaration of Liberty to the lords and aristocrats of England for approval before he submitted

it to the people of this country, or if Abraham Lincoln had first submitted his Emancipation Proclamation to Jefferson Davis and the slave-holders of the South for their approval, it would have been just about as reasonable, logical, judicial and lawyer-like as for Governor Whitman to defer any question of compulsory-vaccination-law for final decision to Commissioner Biggs or Commissioner Goldwater, or any other vaccinating doctor in this State.

We have great hope and faith, however, that the Governor will never again make the mistake that was made in this case, if he once studies and absorbs the medical, statistical and legal facts now given to the public in this little pamphlet on this great and complex subject of vaccination.

NEW LAW SUGGESTED FOR REPEAL AND PROHIBITION OF ALL COMPULSORY VACCINATION

The next Legislature should make a full repeal of the present evil Loyster Law by passing some such law as that suggested below, which prohibits all compulsory vaccination, and the parents of the two and a quarter millions of school children in this State should strongly urge the passage of this law by their representatives in the next Legislature.

PROPOSED LAW PROHIBITING AND PENALIZING COMPULSORY, COERCIVE OR FORCED VACCINATION OR INOCULATION IN THE STATE OF NEW YORK

No form of vaccination or inoculation shall be imposed upon any person by any form of force, intimidation, or coercion, against free will and consent, and no child or minor shall be subjected to any form of vaccination or inoculation without the free consent of parents or guardians. All doctors, health officers or other persons, in attempting or offering to vaccinate or inoculate any child or other person, must first carefully explain to such person, or to the parents or guardians of such child or minor, that the proposed vaccination or inoculation is in no way compulsory, and will not be performed if objected to by such person, parent or guardian.

No form of vaccination or inoculation shall be made a condition for admission to any public or private school or college in the State or for the exercise of any other right or privilege of any citizen, taxpayer or other person in the State.

A violation of any of these provisions shall be punishable by a fine of from five hundred to one thousand dollars, or imprisonment for from one to two years, or by both fine and imprisonment at the discretion of the Court.

All existing laws or parts of laws inconsistent with these provisions are hereby repealed.

This Act shall take effect immediately.

OTHER REFORMS SUGGESTED FOR ATTENTION OF PARENTS AND SCHOOL OFFICERS

The parents of the two or more millions of school children in this State who pay the taxes for the support of the most extensive and most expensive function of our State and City governments, viz., Public Education, should now unite in making a general demand upon or remonstrance to our educational officials of State and City for a proper protection of the most sacred rights of our most precious possession, the children of school age, who form one-quarter of our whole population, which remonstrance should take some such form as stated in the following propositions:

First: To give expression to some proper criticism of our State Department of Education for its mistake in blindly accepting gross and dangerous medical and statistical falsehoods issued by the State Department of Health in its bulletin of February, 1914, on the subjects of smallpox and vaccination and adopted in the vaccination order of Deputy Commissioner Finegan, sent to all school districts, dated March 20, 1914, and for the failure of this great Department of Education to properly protect the two millions of school children in this State from this great medical superstition and danger of compulsory disease as an alleged mode of producing public health, but which is far more dangerous to school children than natural smallpox, and has killed 30 or more children in this State in 1914.

Second: To express a proper censure of Deputy Commissioner Finegan for his apparently illegal and intimidating order of March 20, 1914, to the local trustees throughout the State, forcing them to compel vaccination of school children, contrary to their own legal discretion in this matter and in violation of the decision of Commissoner Draper recognizing this discretion in the local school officers in the case of the town of Olean in 1912, which order has resulted in the deaths of many children all over the State from this forced vaccination.

Third: To carefully consider the legal question whether the De-

partment of Education or the State government is not liable to parents for the deaths of their children killed by vaccination thus coercively forced upon them; and

Fourth: To consider whether doctors and health officials performing these fatal vaccinations—under the false representation that the operation is safe and harmless, instead of being actually, in all cases, the infliction on the healthy human body of a potentially dangerous disease of blood poisoning known as purulent infection and septicemia—are not liable for both civil and criminal prosecutions.

Fifth: To secure a public investigation of our health departments to expose their constant denial and concealments of deaths from vaccination and consequent falsification of our vital statistics.

Sixth: To consider the passage of a special Act of the Legislature to indemnify parents for the destruction of health or loss of life of their children caused by compulsory disease illegally forced on them by agents of the State or City under the false representation and criminal malpractice that such act of compulsory disease was necessary for their health, or the health of the State, and that it was entirely safe and harmless, or, as expressed in the actual words of the State Department of Health in its Bulletin of February, 1914, that "There is not the slightest risk in the process of vaccination," etc., which false and dangerous statement we believe to be actually a crime on the people of this State and would justify a public request for the removal of its authors from office.

Seventh: To urge a proper public investigation of the medical graft in the practice of vaccination and sale of virus in this State, to show how much is paid for vaccination and for virus by the State or by towns and cities or school districts, and who get this pay.

Eighth: To secure the passage of a new law which will remove all vaccinating doctors and members of medical societies from the heads of our departments of health and vital statistics and put in their places able and eminent laymen having no interest in medical practices or concealments, same as now exists in England, where the Registrar-General and Minister of Health are both eminent laymen, and where the vital statistics are known to be the most full and reliable in the world and where deaths from vaccination are not concealed but are reported regularly every year, showing in many years greater mortality than from smallpox.

PROTEST OF PARENTS TO BOARD OF REGENTS AND DEPARTMENT OF EDUCATION

All parents of school children in the State who are opposed to compulsory vaccination, and particularly all parents whose children have been injured or killed by vaccination forced upon them within the last two years, should write a strong personal letter of remonstrance to the Board of Regents, or to the State Department of Education, at Albany, protesting against the longer continuance of this barbarous medical evil of compulsory disease on our State schools as a condition for education therein, and particularly for the failure of our high school officials to protect the children from this evil long ago and for supinely accepting the dangerous and stupid medical falsehoods on which this evil has been based. The blind acceptance of such falsehoods is an actual disgrace to the mental acumen of men capable of any independent judgment or of investigating facts for themselves, by which they could soon be convinced of the needlessness of compulsory vaccination for school children and of its awful danger to their health and life. This great danger is clearly shown when at least ten times more children are killed every year, directly or indirectly, by vaccination than by smallpox, against which the vaccination is directed and to which disease children of school age are naturally more immune than any other element in the population.

These parental letters of protest should be addressed, "To the Board of Regents, Albany, N. Y.," or, "To the State Department of Education, Albany, N. Y."

It should be remembered that the Board of Regents (twelve in number) control the entire Public School System of the State and appoint the Commissioner of Education, the chief officer of the Department of Education, who serves at the pleasure of the said Board of Regents.

PAMPHLETS FOR SALE

We have bought several thousand of Mr. Loyster's valuable pamphlet entitled "Vaccination Results In New York State in 1914" for circulation at cost. This pamphlet shows the deaths of nearly thirty children from vaccination in 1914, including Mr. Loyster's own son, with portraits and detailed description. These deaths were the result of the illegal vaccination crusade forced on the schools of the State by the ill-advised and untenable order of Dr. Finegan, Deputy Commissioner of Education, dated March 20, 1914, issued under the illegal dictation of the State Department of Health, and upon its false and dangerous advices that such forced vaccination was necessary for the health of children and was perfectly safe and harmless, which dangerous orders and false advices, with their fatal effects, should become the subject for public investigation and rebuke of all the State officials responsible for them.

Price of the Loyster pamphlet by mail, ten cents each

Copies of the present pamphlet, "The Crime Against The School Child," will be mailed upon request. Price, ten cents each.

P. J. Collison & Co
Brooklyn, N. Y.

THE CRIME AGAINST THE SCHOOL CHILD

Compulsory Vaccination Illegal and Criminal and Non-enforceable Upon the People

How to Legally Defeat this Medical Evil Which Now Kills More Children than Smallpox

Advice to Parents and School Officers With Legal Defenses Against All Compulsory Vaccination

By
CHAS. M. HIGGINS
Brooklyn, N. Y.

1915