

Health Worker Emergency Hits New York

Seventeen medical health professionals are asking the United States District Court for the Northern District of New York to enjoin enforcement of the State of New York's patently unconstitutional vaccine mandate for health care workers. This vaccine mandate attempts to nullify protections for sincere religious beliefs granted under Title VII of the Civil Rights Act of 1964, even though days earlier the state of New York had afforded protection for religious beliefs in its prior health order.

"What New York is attempting to do is slam shut an escape hatch from an unconstitutional vaccine mandate," declared attorney Christopher Ferrara, Thomas More Society special counsel. "And they are doing this while, knowing that many people have sincere religious objections to vaccines that were tested, developed, or produced with cell lines derived from aborted children."

Ferrara is representing the health workers in the federal case against the state, along with Thomas More Society Vice President and Senior Counsel Peter Breen, Senior Counsel Stephen Crampton and Counsel Michael McHale.

New York has no right to nullify federal anti-discrimination law, Ferrara pointed out.

On Aug. 16, 2021, then New York Gov. Andrew Cuomo announced that all health care workers in New York state, including staff at hospitals and long-term care facilities such as nursing homes, adult care facilities and other congregate care settings, are required to be vaccinated against COVID-19. New York has made compulsory COVID vaccinations a requirement for continued employment of those in health-related jobs.

“This is a brazen power grab by people who think they can get away with anything,” explained Ferrara.

The lawsuit seeks a temporary restraining order and a preliminary injunction, then a permanent and final injunction against the vaccine mandate’s prohibition of accommodations of sincere religious beliefs.

The medical professionals who are plaintiffs—including doctors, nurses, a medical technician and physician’s liaison—are now facing termination from employment, loss of hospital admitting privileges and the destruction of their careers, unless they consent to be vaccinated against their will with vaccines that contradict their sincere religious beliefs.

“Never in the history of New York state, never in the history of the world, has a government sought to forcibly impose mass vaccination on an entire class of people under threat of immediate personal and professional destruction,” declared Ferrara. “This is just another example of how COVID regimes are completely out of control. The federal judiciary has a duty under the Constitution to put a straitjacket on this institutional insanity.”

Plaintiffs expect a prompt listing of the case for an emergency hearing on their temporary restraining order/preliminary injunction request.

McHale explained that the suit alleges that, in addition to violating the Supremacy Clause of the United States Constitution by purporting to strip away Title VII protections, the vaccine mandate also violates the Free Exercise Clause of the Constitution. It does so by subjecting those who have conscientious religious objections to the vaccine to termination from employment and irreparable damage to their professional standing, while exempting others from the mandate for more favored secular reasons.

“These plaintiffs are not—I repeat—not anti-vaxxers, as the fake news media calls them,” stressed Ferrara. “They are in fact in favor of voluntary vaccination with informed consent, but they oppose jack-booted coercion by the state to take a vaccine their religion forbids them to take. This is America, not Red China.”

The medical professionals filing the complaint are doing so under pseudonyms because of what Ferrara calls, “the fear and loathing of the unvaccinated and the hysteria that surrounds vaccine mania.”

“Without court intervention,” added Ferrara, “these health professionals face loss of occupation, professional status and employability anywhere in the state of New York. All because of an abortion-connected vaccine, one that they cannot take in good conscience.”

Read the Verified Complaint filed Sept. 13, 2021, with the U.S. District Court for the Northern District of New York by Thomas More Society attorneys, in *Dr. A, et al. v. Kathy Hochul, Governor of the State of New York, et al.* [here](#) (), and the accompanying Memorandum of Law in Support of Plaintiffs’ Motion for a Temporary Restraining Order and a Preliminary Injunction, with Leave to Proceed Under Pseudonyms [here](#) ().
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