



## **In Brief: Suing Over an Employer's Vaccine Mandate**

August 13, 2021

Todd Zywicki is a Cato Institute fellow and a law professor at George Mason University. He's therefore pretty knowledgeable about what his employer can and cannot order him to do. And he's suing over GMU's vaccine mandate.

*"In a few weeks I will begin my 24th year as a law professor at George Mason University. Last year I volunteered to teach in person, even though I'm in my 50s. Teaching law is my job and I owe my students my best. I also knew I could do it safely. During the spring of 2020 I contracted and recovered from Covid-19, which I later confirmed through a positive antibody test. Multiple positive antibody tests have since confirmed that I continue to have a robust level of immune protection.*

*But now my employer, a state institution, is requiring Covid vaccines. In my case, vaccination is unnecessary and potentially risky. My only other options are to teach remotely or to seek a medical exemption that would require me to wear a mask, remain socially distanced from faculty or students during, say, office hours, and submit to weekly testing.*

*It would be impossible for me to perform my duties to the best of my ability under such conditions. The administration has threatened those who don't submit with disciplinary action, including termination of employment. This week the public-interest lawyers at the New Civil Liberties Alliance filed suit on my behalf, challenging the university's mandatory vaccination requirement for those with naturally acquired immunity. This coercive mandate violates my constitutional right to bodily integrity for no compelling reason."*

It's true that the coronavirus pandemic has infected many Americans with another virus — authoritarianism.

It's also true that nearly everyone of these busybodies is entirely discounting the value of natural immunity from having had COVID, despite evidence that it's nearly as good as — or better than — receiving the vaccine.

*"Clinical studies from Israel, the Cleveland Clinic, England and elsewhere have demonstrated beyond a doubt that natural immunity to SARS-CoV-2 provides robust and durable protection against reinfection comparable to or better than that provided by the most effective vaccines. Examining the evidence this May, the World Health Organization concluded: "Current evidence*

*points to most individuals developing strong protective immune responses following natural infection with SARS-CoV-2.”*

Yet George Mason University — and numerous other employers — won’t accept natural immunity that exceeds the Johnson & Johnson vaccine (66.3% effective) or, even more laughably, the Chinese Sinovac vaccine, which the Chinese puppets at the World Health Organization say is just 51% effective. Both vaccines are acceptable. Not natural immunity.

After discussing some of the questions and potential risks, Zywicki concludes:

*“If I were not already naturally immune to Covid, I would have long ago gotten vaccinated at the first opportunity. But for those of us who have acquired natural immunity, vaccination provides none of the benefits of vaccination with all of the costs.*

*George Mason University’s vision aspires to “bring new perspectives and solutions to the world’s most pressing problems.” By breaking from the herd and following the example of George Mason himself — who refused to sign the U.S. Constitution until it included a Bill of Rights — my university can live up to this promise and treat naturally acquired immunity as at least equivalent to vaccinated status.”*