

Media Lies to Parents About COVID-19 Vaccine Law on Forced Vaccination



Numerous mainstream media outlets are deliberately lying to American parents about the law regarding Covid-19 vaccines. In August, Vermont's Supreme Court ruled that a six-year-old boy administered a COVID-19 vaccine against his parents' specific instructions that he not be jabbed has no state tort remedies and that the family's sole recourse is a federal claim requiring proof of serious bodily harm or death to proceed.

All other traditional causes of action for violating these parents' rights and fundamental constitutional informed consent protections for patients are extinguished completely. And yet, numerous media outlets reported the precise opposite. This is blatant misinformation.

The Associated Press launched an utter [deception](#) titled falsely: "Fact Focus: Vermont ruling does not say schools can vaccinate children without parental consent."

This is the opposite of the truth: [Politella v Windham Southeast School District, et al.](#) held exactly that:

“Other state courts faced with similar facts have concluded that state-law claims against immunized defendants cannot proceed in state court in light of the PREP Act’s immunity and preemption provisions, including claims based on the failure to secure parental consent.” [emphasis added]

In support of its abject lie, the AP cited a Vermont Law School professor:

“Rod Smolla, president of the Vermont Law and Graduate School and an expert on constitutional law, told The Associated Press that the ruling “merely holds that the federal statute at issue, the PREP Act, preempts state lawsuits in cases in which officials mistakenly administer a vaccination without consent.”

“Nothing in the Vermont Supreme Court opinion states that school officials can vaccinate a child against the instructions of the parent,” he wrote in an email.

Professor Smolla is an embarrassment to the Vermont Law School, of which he is President. *Politella* specifically holds that all state tort claims, including those alleging willful jabbing, are preempted by federal law. In observable fact, the Court ruled that the *Politella* family could not proceed with their case – even though the complaint alleges that the school “vaccinated a child against the instructions of the parent.”

Where did Professor Smolla not learn law? A six-year-old can read the case and see the falsehood of his statement.

The *Politella* Court specifically determined that “each defendant is immune from plaintiffs’ state-law claims, all of which are causally related to the administration of the vaccine to [the minor child] L.P.”

The Court did not limit this bar “merely” to claims of negligence: The Court specifically referenced (in footnote 2) the plaintiffs’ claims for battery (which includes deliberate as well as negligent injections) and negligent infliction of emotional distress (which in Count 8 of Plaintiffs’ Amended Complaint, at page 18, alleges that “Defendants’ breached their duty to Plaintiffs in circumstances constituting battery).

The plaintiffs’ specific state law claims for these wrongs were thrown out of court, and all other Vermont families’ state tort rights with them. The case is a heinous legal precedent that may be relied upon by other jurisdictions – yet the AP, enabled by a Vermont Law professor’s gross mischaracterization of the case, perversely misrepresented the truth of the case’s import.

[USA Today](#) offered a similar propaganda lie parading as journalism in an article titled No, Vermont ruling doesn’t allow schools to ‘force-vaccinate’ kids | Fact check. But of course it does – there is no possible alternative legal interpretation of the case. The Court did not confine its ruling to negligent or mistaken administration of vaccines, nor can the case be narrowed in that fashion via any contorted construction. Intentional tort claims were specifically disallowed, and the parents never got a day in court.

Vermont parents might rightly raise eyebrows at the cash “awards” Vermont’s Governor Phil Scott offered schools that achieved high vaccination rates, but these facts (and comments made by school personnel, as well as an opportunity to examine witnesses to discern what really occurred) were of no consequence to Vermont’s Supreme Court, which [ruled](#) that if the workers were covered by the federal PREP Act, they enjoyed full immunity:

“Even the assistant principal’s comments to father about L.P.’s status and his expressions of disappointment in the

number of vaccine registrations are comments relating to the 'administration and operation' of the clinic."

Even where school officials made comments of negativity toward a six-year-old boy for declining a vaccine and expressed regret that more kids weren't jabbed, that evidence never made it through the courthouse door – it doesn't matter what the school officials' motives may have been, according to the Vermont Supreme Court, if they are "administering or operating" a Covid-19 clinic.

Legal Scholar [USA Today](#) made this absurd claim:

"Our rating: False

"The Vermont Supreme Court ruling...doesn't permit schools to "force-vaccinate" students, it addresses whether a school was civilly liable for accidentally vaccinating the wrong student. Although the boy was vaccinated without his parents' consent, court documents describe the incident as unintentional."

This is almost amusing; it is so academically flawed. "Court documents" never made factual findings determining the incident was "unintentional." By definition, the plaintiffs were never permitted to examine witnesses, some of whose names remain unknown, to determine what transpired that day. Lawyers cannot aver that an accident was, in fact, deliberate without proof: the Politellas were never allowed to seek discovery and find the truth, and their complaint allowed for the possibility that the actions were deliberate – but they were denied that very right. Yet USA Today refers to nebulous "documents" that recite only that school officials apologized for what they admit was an error – that is hardly factual proof.

The real proof in the pudding, though, is what USA Today and

the other lying media shills omit: the effect of the ruling extends to deliberate jabs whether or not this one was accidental. There is no legal distinction available: the court specifically included deliberate tort claims in its prohibition. This is also evident from the plaintiffs' amended complaint, which included (in Count 6) battery of a minor (which does not require intent):

“State agents removed L.P. from his class, very likely touching him in the process. They put an erroneous tag on his shirt, likely touching him in the process. They pushed L.P., despite his protests, into a seat, touching him in the process. They intentionally, and without consent, injected his arm with a vaccine syringe. As L.P. protested, Does # 3 and 4 continued to inject him, then bandaged him...Defendants intentionally touched L.P. without consent causing harm, i.e. battery.”

USA Today cherry-picked its supposed “facts” from “court documents” to deceive its readership. The *Politella* decision specifically bars suits for deliberate infliction of vaccines, regardless of whether L.P.'s vaccination was deliberate or “merely” grossly negligent. [USA Today](#) went further to display its lack of comprehension of clear law:

“The Vermont Supreme Court found that mistakenly vaccinating the wrong student wasn't enough to show willful misconduct – the only exception to immunity granted under the emergency preparedness act. The boy's parents also never made an official claim of willful misconduct or said the vaccine harmed their son, the justices noted.”

This is a grotesque distortion of the ruling. The Court did not “find” that the vaccine was mistakenly administered – that would be a factual determination made at trial, which never happened. Nor did the Court rule that “mistakenly vaccinating the wrong student wasn't enough to show willful misconduct” –

this muddles the law, because that is a determination under the PREP Act that is irrelevant under the state tort claims that have been permanently eliminated by the ruling. The Politellas did not have to aver willful misconduct under their various (8) state tort claims because it is not an element thereof; only under the PREP Act, which they did not invoke. The Court ruled all those other claims were thrown out by federal preemption.

In fact, the Court ruled that it was immaterial whether the vaccine was administered mistakenly or deliberately, specifically holding all such claims are barred, citing the PREP Act:

“...no State or political subdivision of a State may establish, enforce, or continue in effect with respect to a covered countermeasure any provision of law or legal requirement that...is different from, or is in conflict with, any requirement applicable under this section.” [emphasis added].

It is true the Politellas did not claim willful misconduct under the PREP Act, because they did not sue under the PREP Act and they did not sue a vaccine manufacturer – they sued school officials for violating long-standing legal protections of their child that do not require willful misconduct, which the Vermont Court dismissed by ruling that their sole recourse was under the federal Act. The assertion by USA Today that this is “the only exception to immunity granted under the emergency preparedness act” is only true if one accepts the Vermont Court’s ruling as correct – that is the very issue in dispute, and why the case is being aggressively appealed to the US Supreme Court. Yet USA Today presented this controversial and contested determination as if it is itself an established legal conclusion, bootstrapping the erroneous Vermont decision as legal authority for its own determination. This is ridiculous.

The truth is that state tort claims traditionally permitted for intentional actions are foreclosed by this decision, and all Vermont parents' rights thereto are extinguished. These claims did not require proof of serious bodily injury or death – only the PREP Act imposes that limitation. The whole point of the case is whether or not federal product immunity statutes protecting vaccine manufacturers from liability for harms caused by their products extend also to school officials who act negligently or even deliberately when jabbing kids against parents' wishes. The PREP Act is silent as to parents' rights and informed consent: USA Today is asserting the egregious legal construction of the Vermont court as “proof” that there was only ever one path to recovery.

This legal sleight of hand was also employed by [Snopes](#) to misinform its readership: “The rumors were wrong. Therefore, we rated this claim ‘False.’”

“On July 26, 2024, the Vermont Supreme Court ruled that an individual family from Brattleboro, Vermont, could not sue their child’s school after their son was accidentally vaccinated during a COVID-19 vaccination clinic at the school in November 2021.

Further, Justice Karen Carroll, who wrote the decision, said the plaintiffs’ eight claims were filed based on state law, something the PREP Act bars because it preempts state law. As a result, the court could not allow the lawsuit to continue.”

As Attorney Steve Boranian wrote in a [blog post](#):

These plaintiffs had two choices: File an administrative claim under the PREP Act or file a lawsuit in federal court alleging willful misconduct. They chose neither. Case dismissed. Easy.

This merely recites the Vermont Supreme Court’s conclusion as proof of its truth – more bootstrapping. If the Vermont Court is correct, the conclusion is “easy.”

But the fundamental rights of parents are at issue. If Steve Boranian is correct, guess what that means – that if a child is vaccinated against his parents' wishes, even deliberately, in Vermont and does not die or suffer serious bodily injury, then the child and family are foreclosed from any traditional recovery and cannot sue. That is, Boranian's statement proves the truth of the claim that the decision permits wrongful vaccinations, yet Snopes employs it to assert the opposite.

Shopping for legal opinions will not change the clear law at issue here and its effect on children and parents. These media outlets have all publicly exhibited logical contortions and perverse justifications to misinform Americans about the truth of the import of this case. They are free to spread their vaccine law misinformation under US law, but this proves Americans must be cautious in protecting their children – there is no dispute that this case, if it stands, extinguishes numerous parental and patient rights.

Ironically, if schools administer non-PREP Act vaccines such as DPT or HPV without consent, all those state causes of action would be available – for vaccines with better testing and safety records than the PREP Act interventions for which they can *not* sue under the *Politella* decision. Moreover, under this Court's short-sighted, disastrous ruling, a teacher who used a stick to smack a child into PREP Act vaccine submission would be equally immune – a stick-smacking is a battery, which some parents would view as less dangerous than the stick of a needle. But both are protected by this ruling – the Vermont Supreme Court afforded no exception.

If a teacher or worker were to be held liable for whacking a child with a stick while injecting a Covid-19 vaccine, why could they not be equally sued for the jab itself? The Vermont Court has enabled the physical battery by injection of a child by government employees seeking cash bonuses. Who would trust their child in a Vermont public school? And who would trust journalists who strive to such perverse lengths to obscure

these clear truths from American parents?

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