

Administration of Coronavirus Vaccines May Raise Constitutional Issues

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With the development of COVID-19 vaccines, the world may finally be looking at a solution to the pandemic that has plagued all of us for the past year. As several experts have noted, however, “Vaccines don’t prevent diseases; vaccinations do.” And that creates a potential problem, because, as experts in other fields have noted, many people are reluctant to get vaccinated.

So, can the government make you take a vaccine? For over a century, courts have generally said yes, mindful of the need to protect the public health even in the face of religious objections. See, e.g., *Jacobson v. Massachusetts*, 197 U.S. 11 (1905). How about your employer? Your child’s school? Your parent’s nursing home? Others?

Recently, however, religious groups and others have begun to argue that restrictions on public gatherings violate the rights of citizens to worship and assemble. And some courts, including the United States Supreme Court in a recent opinion, have agreed with these arguments. See, e.g., *Roman Catholic Diocese of Brooklyn v. Cuomo*, 2020 WL 6948354 (U.S. Nov. 25, 2020). Could these same arguments be used to justify a refusal to get vaccinated? We’ll be monitoring this issue in the weeks and months to come.

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