

ROBERT J. KRAKOW
LAW OFFICE OF ROBERT J. KRAKOW, P.C.
Attorneys and Counselors at Law
1205 Franklin Avenue, Suite 110
Garden City, New York 11530
(516) 354-3300
*(888) 449-8529 FACSIMILE**
*(*Not for Service of Litigation Papers)*

February 8, 2010

By Fax: (518) 426-6847

And email: schneide@senate.state.ny.us

Honorable Senator Eric T. Schneiderman
Chair, Senate Codes Committee
708 Legislative Office Building
Albany, NY 12247

Re: **S4779** - **Letter In OPPOSITION**

“An act to amend the public health law, in relation to providing medical care to minors for sexually transmitted diseases without a parent's or guardian's consent.”

Dear Senator Schneiderman:

I write to urge your opposition to S4479, which is scheduled for consideration before the Senate Codes Committee on February 9, at 10:30 a.m. I am a constituent of Senator Craig Johnson residing in Great Neck, New York.

S4779 would amend the public health to allow the administration, among other interventions, of vaccines to minors without requiring parental consent. There exist many problems with this proposed legislation. Most disconcerting is the elimination of the parental consent requirement for a medical procedure as significant and invasive as a vaccine. The bill applies to all children and there exists no age limit. That means that, for example, the Gardasil vaccine, intended to prevent the Human Papillomavirus (HPV) can be given to my ten-year-old son without my knowledge or consent. This is unacceptable.

Putting aside serious concerns about the safety of this vaccine, the bill would eviscerate longstanding principles of parental rights to make decisions about medical intervention for their children. The bill would also repudiate the notion of informed consent, a concept that has been honored in civil society and America, especially since the world came to know the horrors of medical experimentation practiced in the Nazi regime and exposed at the Nuremberg trials.

Hon. Eric Schneiderman
February 8, 2010
Page 2

The proposed legislation would introduce into our society the specter of medical coercion – a notion noxious to fundamental principles of a free and democratic society.

Please consider a few among the difficult challenges that S4779 raises:

How is a ten-year-old child – or any child – capable of meaningful informed consent?

Who will be responsible and liable should the child sustain an injury from the vaccine?

Given the open questions about the efficacy and safety of the primary vaccine purportedly used for sexually transmitted diseases, is this legislation necessary, appropriate or prudent?

These are among the troubling questions posed by this extreme and unprecedented legislation. I also respectfully request that you consider these questions in the context of some facts known about the legal and medical background against which this medically draconian legislation is being proposed.

Vaccine manufacturers enjoy an unprecedented level of immunity from liability for vaccine injuries. Vaccine injuries occur in unacceptably high numbers and have been associated with the Gardasil, the primary vaccine being promoted as a preventive measure against sexually transmitted disease. The vaccine is not proven effective – it protects only against a few of the HPV strains that can cause cervical cancer. It is unknown whether the vaccine's benefits outweigh its risks because long-term studies have never been performed. There are indications that the vaccine may harm individuals already and unknowingly infected with HPV. Only a small percentage of persons with HPV develop cervical cancer.

Most troubling is the fact that there are many reports of injury and death from the Gardasil HPV vaccine. I know, because in my law practice I represent children who have documented brain inflammation that resulted in disabling symptoms. The medical evaluation of these children showed that the vaccine was the cause of the problem. One of the principal researchers in the development of Gardasil has raised serious questions about its safety and appropriateness for administration to children.

Even if that were not the case, the extreme nature of this legislation that would eviscerate the concept of parental and individual rights as we know them in our country, warrants rejection of this legislation. Add to that serious questions of liability for those who administer the vaccine to children, not to mention the irresponsible exercise of

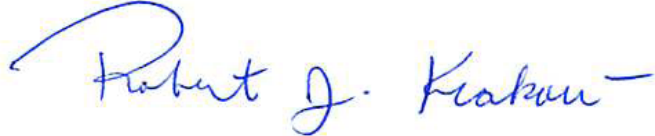
LAW OFFICE OF ROBERT J. KRAKOW, P.C.

Hon. Eric Schneiderman
February 8, 2010
Page 3

governmental authority that this legislation represents and we observe what amounts to a legislative and public health disaster if this bill is enacted into law in our State.

Given all the foregoing, I urge you to reject this legislation.

Respectfully submitted,



Robert J. Krakow

cc:

Hon. Craig Johnson fax:(518) 426-6894;
email: johnson@senate.state.ny.us

Sen. John J. Bonacic, (518) 455-3181,
bonacic@senate.state.ny.us, fax (518)
426-6948

Sen. John A. DeFrancisco , (518) 455-
3511, jdefranc@senate.state.ny.us, fax
(518) 426-6952

Sen. Thomas K. Duane, (518) 455-2451,
duane@senate.state.ny.us, fax (518)
426-6846

Sen. John J. Flanagan, (518) 455-2071,
flanagan@senate.state.ny.us, fax (518)
426-6904

Sen. Martin J. Golden, (518) 455-2730,
golden@senate.state.ny.us, fax (518)
426-6910

Sen. Shirley L. Huntley, (518) 455-3531,
shuntley@senate.state.ny.us, fax (518)
426-6859

Sen. Jeffrey D. Klein, (518) 455-3595,
jdklein@senate.state.ny.us, fax (518)
426-6847

Sen. Andrew J Lanza, (518) 455-3215,
lanza@senate.state.ny.us, fax (518) 426-
6852

Sen. Kevin S. Parker, (518) 455-2580,
parker@senate.state.ny.us, fax (518)
426-6843

Sen. Bill Perkins, (518) 455-2441,
perkins@senate.state.ny.us, fax (518)
426-6809

Sen. Stephen M. Saland, (518) 455-
2411, saland@senate.state.ny.us, fax
(518) 426-6920

Sen. John L. Sampson, (518) 455-2788,
sampson@senate.state.ny.us, fax (518)
426-6806

Sen. Daniel L. Squadron, (518) 455-
2625, squadron@senate.state.ny.us, fax
(518) 426-6956

Sen. Dale M. Volker, (518) 455-3471,
volker@senate.state.ny.us, fax (518)
426-6949