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CDC’s New Covid Guidance Finally Admits What NCLA’s Suits Said About Natural Immunity All Along

Washington, DC (August 12, 2022) – The New Civil Liberties Alliance filed its first lawsuit challenging vaccine mandates over a year ago on behalf of George Mason University law professor Todd Zywicki. This week, the Centers for Disease Control and Prevention (CDC) finally followed the science and acknowledged the scientific fact that NCLA has defended all along—it makes no sense to treat people who are naturally immune to Covid-19 differently from those who have been vaccinated against the virus. This science was known and available to everyone this time last year when NCLA relied on the expert testimony of renowned epidemiologists, including Drs. Jay Bhattacharya and Martin Kulldorff, who have long explained that forcing a Covid-recovered person with natural immunity to take a vaccine that provides virtually no benefit, while risking adverse effects, is not rational.

CDC [eased](#) its Covid-19 guidance on Thursday, stating that “Covid-19 prevention recommendations no longer differentiate based on a person’s vaccination status.” Despite being comprised of unelected bureaucrats and lacking rule-making power from Congress, CDC has issued edicts during the entirety of the pandemic that have disrupted American life. Governments and employers alike have followed this “guidance” uncritically—which was hard to challenge in court since it was not final agency action—treating it as though it carries the force of law. Now, in a sudden about-face, the agency claims that due to breakthrough infections and naturally acquired immunity, there is no reason to treat vaccinated and unvaccinated individuals differently. CDC earlier chose to ignore or discount the voluminous proof, available for well over a year, that naturally acquired immunity was as or more protective than that achieved through vaccination. The agency chose to promote politically-motivated, flawed studies that reached unwarranted conclusions.

NCLA, a nonpartisan, nonprofit civil rights group, has advocated for recognition of natural immunity in numerous lawsuits, demand letters, op-eds, and on radio and television for over a year. We have sued over government-mandated vaccines or quarantine policies based on CDC’s flawed guidance—[Norris v. Michigan State University](#), [Rodden v. Fauci](#), [Skoly v. McKee](#), [Vanderstelt v. Biden](#), [Zywicki v. George Mason University](#), and [McArthur v. Brabrand](#). In each lawsuit, Plaintiffs argued that given their demonstrated natural immunity, the government cannot claim a compelling interest in overriding their long-recognized constitutional rights to bodily autonomy and to decline medical treatment by forcing them to be vaccinated or punishing them for refusing.

To add insult to injury, these unconstitutional, unscientific mandates were accomplished not through democratic means, but through usurpation of legislative authority by unelected, unaccountable administrators. All public and private employers who have fired naturally immune people, including NCLA clients, should rehire them ASAP.

NCLA released the following statements:

“From the very beginning, NCLA challenged discrimination against the naturally immune by the government and employers. We consulted top scientists and poured over multiple studies, which all confirmed that natural immunity is at least as effective as a vaccine. Unfortunately, it is too late for tens of thousands of Americans, who lost their livelihoods for merely exercising their constitutional rights to bodily autonomy by declining an experimental vaccine that was medically unnecessary for them. CDC should apologize to all naturally immune

Americans who were coerced into getting vaccinated or fired because of the agency’s deceptive, irrational, unscientific guidance—and employers should rehire those workers immediately.”

— **Jenin Younes, Litigation Counsel, NCLA**

“It is a scandal of the first order that it took CDC more than a year to admit the science around natural immunity. Worse, it appears CDC knew the science but deliberately misled the American people in order to wield unlawful administrative power.”

— **Philip Hamburger, Founder and Chairman of the Board, NCLA**

“Government scientists at multiple federal agencies told a Big Lie about natural immunity—and silenced those speaking the truth—to encourage everyone to get vaccinated. Congress never gave CDC rulemaking authority, yet federal courts bowed down to CDC guidance like it was holy writ. Never again should black-robed judges stand by while white-coated bureaucrats trample individual liberties in the name of compliance.”

— **Mark Chenoweth, President and General Counsel, NCLA**

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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