



# Justice Centre for Constitutional Freedoms

## Covid vaccines do not stop Covid spread

An analysis of current data

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## Introduction

Any policy that segregates populations by means of mandatory vaccination policies requires at a minimum that those vaccines are effective in removing the risk of transmission.

Unfortunately, and contrary to government-led narratives and media coverage in both Canada and the U.S., the evidence strongly suggests vaccinations do not stop the spread of Covid – not the original strains, and not the later Delta and Omicron variants. Indeed, when pressed by competent journalists, policy makers frequently concede that vaccines are intended only to reduce the severity of illness, not to prevent its spread.

In the following report, we review:

- The government-led narrative
- What authoritative health agencies say about the effectiveness of vaccines in preventing spread
- Real-world spread in heavily vaccinated communities

We conclude that whatever value vaccines may have in reducing hospitalization and mortality, they do not ‘work’ with the thoroughness government leaders claim,<sup>1</sup> and certainly not to the degree that mandatory enforcement or vaccine passports could ever be justified in Canada as a reasonable limitation upon individual rights to bodily autonomy and *Charter* freedoms.

## Vaccine: What is it?

The Center for Disease Control has for many years defined a vaccine as: “*A product that stimulates a person’s immune system to produce immunity to a specific disease, protecting the person from that disease.*”<sup>2</sup>

Since September 2, 2021, the following changed definition has appeared on the CDC website: “*A preparation that is used to stimulate the body’s immune response against diseases.*”<sup>3</sup>

The revised definition switches the goal from producing ‘immunity’ to ‘protection.’ That means vaccination is now defined as, ‘The act of introducing a vaccine into the body to produce protection from a specific disease.’<sup>4</sup>

The revised definition sparked social media controversy. In response, a CDC spokesman told a newspaper<sup>5</sup> that the previous definitions could have been “interpreted to mean that vaccines were

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<sup>1</sup> In this paper, we do not examine possible collateral and unintended harms of vaccination.

<sup>2</sup> <https://web.archive.org/web/20210901163633/https://www.cdc.gov/vaccines/vac-gen/imz-basics.htm>

<sup>3</sup> <https://www.cdc.gov/vaccines/vac-gen/imz-basics.htm>

<sup>4</sup> *Ibid.*

<sup>5</sup> <https://www.miamiherald.com/news/coronavirus/article254111268.html>

100% effective, which has never been the case for any vaccine, so the current definition is more transparent, and also describes the ways in which vaccines can be administered.”

Neither definition mentions controlling spread. The CDC warned the *Miami Herald* that there remained the misconception that Covid vaccines were designed to prevent infections entirely, leading people to believe the vaccines aren’t working as they should when they learn about breakthrough infections among the vaccinated.

## Government-led Narratives

In October 2021, Prime Minister Trudeau tweeted to Canadians, “Vaccines work. That’s why we’re going to make them mandatory for workers in the federal public service and for people boarding planes and trains.”<sup>6</sup>

The next day, U.S. President Joe Biden told Americans, “Folks, vaccination requirements work.”<sup>7</sup>

Meanwhile, President Biden had already imposed restrictions on federal employees in September, comparable to those announced later in Canada.<sup>8</sup> (At the time of writing, Biden’s requirements have been blocked by a U.S. federal court, however.)<sup>9</sup>

On November 4, Biden would add a new requirement that employers with 100 or more employees should enforce vaccination for the entire workforce.<sup>10</sup> This too faces a legal challenge in the American courts.<sup>11</sup>

With these actions, Prime Minister Trudeau and President Biden have separated Canadians and Americans into two groups: those who can fully participate in society and those who, having been first excluded from events and restaurants, can now be barred from earning a living, often in employment they have enjoyed for decades.<sup>12</sup>

The stated intention of government policy on both sides of the border is to reduce spread of Covid and for that reason, they argue, mandatory vaccination is necessary and effective.

However, the evidence reveals that vaccine passports are neither necessary nor effective.

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<sup>6</sup> <https://twitter.com/JustinTrudeau/status/1445770428950069248>

<sup>7</sup> <https://abcnews.go.com/Politics/biden-illinois-push-vaccine-mandates-large-businesses/story?id=80460564>

<sup>8</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-ensuring-adequate-covid-safety-protocols-for-federal-contractors/>

<sup>9</sup> This injunction applies nationwide: The vaccine mandate requirement is therefore now on hold for all federal contractors and subcontractors throughout the United States. It is expected that the federal government will appeal the judge’s order to the U.S. Court of Appeals for the Eleventh Circuit.

<sup>10</sup> <https://www.hklaw.com/en/insights/publications/2021/12/federal-court-grants-nationwide-injunction-against-government>

<sup>11</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/04/fact-sheet-biden-administration-announces-details-of-two-major-vaccination-policies/>

<sup>12</sup> <https://www.usnews.com/news/national-news/articles/2021-11-05/more-than-a-dozen-states-sue-biden-over-vaccine-mandate>

<sup>12</sup> <https://financialpost.com/fp-work/canadian-employers-shed-unvaccinated-workers-labor-lawyers-in-demand>

## Evidence – what the experts say

Whatever politicians may say or suggest, Covid vaccinations do not stop the spread of Covid. This has been confirmed by some of the highest-ranking public health officials in the world.

- More than a year ago, World Health Organization Director General Tedros Adhanom Ghebreyesus said that while vaccines were essential complements to other pandemic-fighting tools, “a vaccine on its own will not end the pandemic.”<sup>13</sup>
- When Center for Disease Control Director Rochelle Walensky suggested during an MSNBC interview in March 2021 that vaccinated individuals ‘do not get sick, do not carry the virus, and it’s not just in the clinical trials, it’s also in the real-world data,’<sup>14</sup> a CDC spokesman was scrambled to issue a correction. The newly confirmed Walensky was described as ‘speaking broadly... It’s possible that some people who are fully vaccinated could get COVID-19.’<sup>15</sup>
- In August 2021, Walensky was interviewed by CNN’s Wolf Blitzer. Asked about spread, Walensky stated, “What they [the vaccines] can’t do any more is prevent transmission.”<sup>16</sup>
- In the U.S., the Center for Disease Control stated, “A vaccine breakthrough infection happens when a fully vaccinated person gets infected with COVID-19. People with vaccine breakthrough infections may spread COVID-19 to others.”<sup>17</sup>
- Health Canada’s website states that ‘vaccines are very effective at preventing severe illness, hospitalization and death.... However, there’s a small percentage of the population who are vaccinated that will still be infected with COVID-19 if they’re exposed to the virus.’<sup>18</sup>
- How small a percentage? The Public Health Agency of Canada has confirmed that as of November 20, 2021, in terms of vaccinations preventing Covid spread, more than 1,600 fully vaccinated Canadians have in fact contracted Covid and died. Meanwhile, there were 76,925 Covid cases among fully vaccinated Canadians and another 51,277 Covid cases among those who had received one shot.<sup>19</sup> (This is approximately 15 percent of Canada’s total case load since the vaccination campaign began.) This, in a highly-vaccinated country in which a reported 86.7% of the population over the age of 12 is fully vaccinated.<sup>20</sup>
- Bill Gates is not a public health official, but having donated large sums of money to public health measures, he is frequently cited as an authority. In a Policy Exchange interview with British MP Jeremy Hunt, he stated, “You know, we didn’t have vaccines that block transmission, we got vaccines to help you with your health but they only slightly reduced transmission, so we need a new a new way of doing the vaccines.”<sup>21</sup>

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<sup>13</sup> <https://www.youtube.com/watch?v=rXyO113VdTc>

<sup>14</sup> <https://www.msnbc.com/transcripts/transcript-rachel-maddow-show-3-29-21-n1262442>

<sup>15</sup> <https://www.nytimes.com/2021/04/01/health/coronavirus-vaccine-walensky.html>

<sup>16</sup> <http://www.cnn.com/TRANSCRIPTS/2108/05/sitroom.02.html> 5th August 2021

<sup>17</sup> <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/effectiveness/why-measure-effectiveness/breakthrough-cases.html> 9th Nov. 2021

<sup>18</sup> <https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19/vaccines/effectiveness-benefits-vaccination.html#a1>

<sup>19</sup> <https://health-infobase.canada.ca/covid-19/epidemiological-summary-covid-19-cases.html#a9>

<sup>20</sup> <https://health-infobase.canada.ca/covid-19/vaccination-coverage/>

<sup>21</sup> <https://www.youtube.com/watch?v=CZpIF4qdwII&t=1540s> 5<sup>th</sup> November 2021

Vaccine manufacturers are also more cautious than elected officials.

- In a November 2020 interview with HBO's *Axios* news-documentary program, Moderna's chief medical officer Dr. Tal Zaks said that while the company's product was effective in stopping people from getting sick with Covid, there was no hard evidence that it prevented those infected from infecting others. "I think we need to be careful as we get vaccinated, not to over-interpret the results. When we start the deployment of this vaccine, we will not have sufficient concrete data to prove that this vaccine reduces transmission."<sup>22</sup>
- A year later on its website, Moderna reported a "lower risk of breakthrough infection in participants vaccinated more recently (median 8 months after first dose) than participants vaccinated last year (median 13 months after first dose)."<sup>23</sup> While it may be a lower risk, as all persons diagnosed with Covid are considered infectious, there is nonetheless a risk of spread despite vaccination.
- Pfizer board member Dr. Scott Gottlieb made the case for booster shots to *CNBC* in November 2021, arguing they were necessary to prevent a spread that was developing in the vaccinated population, not the unvaccinated population: "At this point I think we need to accept that there's a lot of breakthrough infections happening, particularly people who are out a significant portion of time from their original vaccination. There's probably more infection happening among the vaccinated population, more spread happening in that population, the unboosted portion of that population, than what we're picking up because we're just not systematically tracking this."<sup>24</sup>
- "Vaccines are designed to prevent serious illness, not to prevent infection or prevent any symptoms." Comment by Dr. Anna Durbin, director of the Center for Immunization Research at Johns Hopkins Bloomberg School of Public Health during a Facebook briefing in September 2021.<sup>25</sup>

## Evidence – Results from selected jurisdictions

Enthusiasm for mass vaccination originates with the concept of herd immunity. When enough people have achieved immunity – a herd – it simply becomes harder for infected people to infect others, and the virus then withers. Immunity can be achieved through exposure to a disease and recovery from it. To some degree, immunity and limitation of the spread can also be achieved through vaccination, which has inspired governments to demand mass, mandatory vaccination.

However, in the case of Covid and the Covid vaccines, the results are hardly encouraging. Even in the most heavily vaccinated jurisdictions around the world, fully vaccinated people are continuing to get – and die with – Covid.

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<sup>22</sup> <https://www.youtube.com/watch?v=po7qt9BZz0s>

<sup>23</sup> <https://investors.modernatx.com/news/news-details/2021/Moderna-Highlights-New-Clinical-Data-on-its-COVID-19-Vaccine-09-15-2021/default.aspx>

<sup>24</sup> <https://www.cnbc.com/2021/11/22/gottlieb-breakthrough-covid-infections-are-more-common-than-people-realize.html>

<sup>25</sup> <https://m.facebook.com/ABC15/videos/johns-hopkins-university-provides-latest-information-about-covid-19-pandemic/388548672833223/>

## *Israel – first country to fully vaccinate a majority of its citizens*

Israel began a mass vaccination campaign against Covid-19 in December 2020. (It was the first significant jurisdiction to fully vaccinate a majority of its citizens: 78 percent of eligible Israeli individuals over 12 years old are vaccinated.)<sup>26</sup> Initial results were encouraging. By May 2021, ‘infection rates had decreased to a few dozen cases daily, most of which were in unvaccinated persons or in persons returning from abroad.’<sup>27</sup> However, cases surged exponentially in June, with a substantial number of infections reported among vaccinated people. Between July 11, 2021 and July 31, 2021, more than 13,000 breakthrough infections were reported.<sup>28</sup> Infections peaked September 16 at 10,455.<sup>29</sup> In a population of 9.4 million,<sup>30</sup> more than 1.35 million Israeli residents have tested positive for Covid.

## *United Kingdom – more covid cases among the vaccinated than the unvaccinated*

The UK Health Security Agency issues the ‘*COVID-19 vaccine surveillance report*’ weekly which summarizes data for the preceding four weeks. Intriguingly, for weeks 38 to 41 of 2021 (i.e. up to October 17, 2021) the data shows higher infection rates among the vaccinated than the unvaccinated in all age groups over 30 years. (At this point, more than 45 million<sup>31</sup> of Great Britain’s 67 million<sup>32</sup> people had received two doses.)

As with the Israeli study cited, the report suggests these higher infection rates may be traced back to what it describes as the ‘waning of effectiveness,’ after the ‘first 3 to 4 months after vaccination.’<sup>33</sup> While obviously of great interest to those charged with protection of the public, it is for our purposes sufficient to note that while extensive vaccination in the UK may have mitigated the worst effects of Covid on infected individuals (as the UK HSA claims,) it has not stopped the virus spreading to and through the vaccinated.

## *Gibraltar – ‘the most vaccinated place in the world’*

With a population of 33,691, the British Overseas Territory of Gibraltar achieved almost 100 percent vaccination in early 2021.<sup>34</sup> Infections dropped off virtually to zero. Briefly, Gibraltar was celebrated as ‘the most vaccinated place in the world,’ with sufficient doses administered (94,469) to have fully vaccinated 154 percent of the country’s population.<sup>35</sup> In April, *CNN* presented a glowing report of a return to life as it was before Covid.<sup>36</sup>

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<sup>26</sup> <https://www.npr.org/sections/goatsandsoda/2021/08/20/1029628471/highly-vaccinated-israel-is-seeing-a-dramatic-surge-in-new-covid-cases-heres-why>

<sup>27</sup> <https://www.nejm.org/doi/full/10.1056/NEJMoa2114228>

<sup>28</sup> <https://directorsblog.nih.gov/2021/11/09/israeli-study-shows-how-covid-19-immunity-wanes-over-time/>

<sup>29</sup> <https://graphics.reuters.com/world-coronavirus-tracker-and-maps/countries-and-territories/israel/>

<sup>30</sup> <https://www.jewishvirtuallibrary.org/jewish-and-non-jewish-population-of-israel-palestine-1517-present>

<sup>31</sup> <https://coronavirus.data.gov.uk/details/vaccinations>

<sup>32</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates>

<sup>33</sup> For example, Week 42 report, Page 7.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1027511/Vaccine-surveillance-report-week-42.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1027511/Vaccine-surveillance-report-week-42.pdf) (For

<sup>34</sup> <https://www.gibraltar.gov.gi/press-releases/rise-in-active-covid-19-cases-public-urged-to-be-cautious-and-reduce-mixing-8452021-7433>

<sup>35</sup> <https://graphics.reuters.com/world-coronavirus-tracker-and-maps/countries-and-territories/gibraltar/>

<sup>36</sup> <https://www.cnn.com/travel/article/gibraltar-covid-vaccinations/index.html>

Nevertheless, in June rising numbers of infections were reported, and some deaths. Variously blamed on unvaccinated workers coming in daily from Spain, and upon the appearance of the Delta variant, the local government in November cancelled official Christmas functions and urged residents to be cautious in their own.<sup>37</sup>

### *Vermont – most vaccinated state in the union*

With nearly 76 percent of its citizens double-vaccinated by mid-December 2021, Vermont is considered by the CDC to be the most-vaccinated state in the U.S.<sup>38</sup> More than 85 percent have had at least one shot.

And, as with Gibraltar, *CNN* presented an enthusiastic picture<sup>39</sup> of the green state living up to its motto of ‘Freedom and Unity’ to promote vaccination. Indeed, on June 12, 2021, Governor Phil Scott announced Vermont’s state of emergency would be ended ‘Because it’s safe to do so.’<sup>40</sup>

Covid then surged back, including among vaccinated Vermont citizens. By November 12, 2021, Vermont was experiencing the 12<sup>th</sup> highest rate of new cases in the union,<sup>41</sup> with a 42 percent surge over the previous seven days.<sup>42</sup>

### *Sweden – minimal lockdowns, average outcomes*

Sweden, population 10.2 million,<sup>43</sup> famously broke step with the rest of the world in early 2020, when it declined to use lockdowns as its primary response to Covid. The results were inconclusive. By comparison with its Scandinavian neighbours, Sweden suffered higher mortality, but at 144.9 deaths per hundred thousand since March 2020, it bears favourable comparison with the U.S. (217.5) and with heavily locked down countries including the U.K. (206.7), Spain (184.4.) and Italy (217.8).

Canada registered 78.5 deaths per 100,000. However, Sweden suffered substantially less economic damage than Canada, or the U.S.<sup>44</sup> Sweden also embraced vaccination, with almost 69 percent of Swedes fully vaccinated by mid-November.<sup>45</sup> (And nearly 72% by 15<sup>th</sup> December.)<sup>46</sup>

As elsewhere however, cases in Sweden have started to rise after a relatively calm autumn. Although ‘hospitalizations and the number of patients requiring intensive care are still among the lowest per capita in Europe,’<sup>47</sup> the government is urging renewed social-distancing protocols.

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<sup>37</sup> <https://www.standard.co.uk/news/world/christmas-cancelled-gibraltar-vaccinations-b966816.html>

*Inter alia.*

<sup>38</sup> <https://www.beckershospitalreview.com/public-health/states-ranked-by-percentage-of-population-vaccinated-march-15.html>

<sup>39</sup> <https://www.cnn.com/2021/07/28/us/vermont-most-vaccinated-coronavirus-state/index.html>

<sup>40</sup> <https://governor.vermont.gov/press-release/governor-phil-scott-announces-state-has-reached-its-80-vaccination-goal-lifts-all#:~:text=%E2%80%9CAnd%20here's%20why%3A%20Because%20it's,do%20this%20than%20we%20are.%E2%80%9D>

<sup>41</sup> Page 13 [https://dfr.vermont.gov/sites/finreg/files/doc\\_library/dfr-covid19-modeling-110921.pdf](https://dfr.vermont.gov/sites/finreg/files/doc_library/dfr-covid19-modeling-110921.pdf)

<sup>42</sup> Page 4 [https://dfr.vermont.gov/sites/finreg/files/doc\\_library/dfr-covid19-modeling-110921.pdf](https://dfr.vermont.gov/sites/finreg/files/doc_library/dfr-covid19-modeling-110921.pdf)

<sup>43</sup> <https://worldpopulationreview.com/countries/sweden-population>

<sup>44</sup> <https://www.bloomberg.com/opinion/articles/2021-10-14/sweden-a-covid-success-story-or-a-failure-maybe-neither>

<sup>45</sup> [https://ycharts.com/indicators/sweden\\_coronavirus\\_full\\_vaccination\\_rate](https://ycharts.com/indicators/sweden_coronavirus_full_vaccination_rate)

<sup>46</sup> *Ibid.*

<sup>47</sup> <https://www.usnews.com/news/world/articles/2021-12-07/sweden-to-reintroduce-many-covid-19-measures-as-cases-rise>

A landmark study by the University of Umea tracked the increase in new cases, concluding that: *'Vaccine effectiveness against symptomatic Covid-19 infection wanes progressively over time across all subgroups, but at different rate according to type of vaccine, and faster for men and older frail individuals. The effectiveness against severe illness seems to remain high through 9 months, although not for men, older frail individuals, and individuals with comorbidities.'*<sup>48</sup>

## Conclusion

Claims made by government leaders that mandatory vaccinations will reduce or stop the spread of Covid are not supported by medical science, or by the real-life experience of nations that have achieved high levels of vaccination.

The new Covid vaccines do not prevent the transmission of Covid. This is what the vaccine manufacturers themselves have said<sup>49</sup> publicly, claiming only that the vaccine would reduce the severity of illness when vaccinated people get infected with Covid. To date, no government has presented the public with evidence to support its repeated and fear-filled propaganda message that the Covid vaccine stops the spread of Covid.

The data coming out of highly-vaccinated countries like Ireland<sup>50</sup>, Israel<sup>51</sup>, and Gibraltar<sup>52</sup> are demonstrating that Covid and its variants spread freely when 94 percent or even 100 percent of the population has been injected. Statistics are now making it clear that both the vaccinated and unvaccinated can get Covid and can spread Covid.

In a free and democratic society, an ineffective policy of mandatory vaccination and vaccine passports to participate in normal society, deliberately excluding unvaccinated Canadians from civil society, cannot be justified as a reasonable limitation upon *Charter* rights and freedoms.

In particular, Section 7 of the Charter protects the right to "life, liberty and security of the person" which Canadian courts have repeatedly and unequivocally interpreted as including the right to bodily autonomy. The right to bodily autonomy includes the right to determine what shall, or shall not, be injected into a person.

It is governments -- not Canadian citizens -- which bear the onus of justifying demonstrably, with facts and persuasive evidence, that laws and policies that coerce or pressure citizens to take the Covid vaccine are rational.

In light of the fact that the Covid vaccine does not stop the spread of Covid, it is not rational for governments to coerce, or indirectly pressure, Canadians into taking this vaccine.

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<sup>48</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3949410](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3949410)

<sup>49</sup> [https://www.nejm.org/doi/full/10.1056/NEJMoa2034577?query=featured\\_home](https://www.nejm.org/doi/full/10.1056/NEJMoa2034577?query=featured_home)

<sup>50</sup> <https://www.cnn.com/2021/11/17/europe/ireland-covid-curfew-intl/index.html>

<sup>51</sup> <https://www.npr.org/sections/goatsandsoda/2021/08/20/1029628471/highly-vaccinated-israel-is-seeing-a-dramatic-surge-in-new-covid-cases-heres-why>

<sup>52</sup> <https://www.euroweeklynews.com/2021/11/17/gibraltar-cancels-christmas-festivities-despite-99-vaccination-rate/>