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Pfizer and facts prevail as judge tosses Paxton's lawsuit over COVID-19 vaccine | Opinion



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In one small way, the judge did Attorney General Ken Paxton a favor.

He dismissed the lawsuit on the day before New Year's Eve, when news of Paxton's defeat would slip past most Texans unnoticed.

Senior U.S. District Judge Sam Cummings on Dec. 30 quietly quashed the lawsuit that Paxton had filed with considerable huffing and puffing a year earlier, in which the attorney general accused Pfizer of misrepresenting the effectiveness of its COVID-19 vaccine.

Paxton wanted the pharmaceutical giant to pay at least $10 million in civil penalties. Cummings told Paxton to go home. In a taut ruling that barely stretched onto a second page, the judge said Pfizer "is entitled to immunity under the Public Readiness and Emergency Act (PREP Act)," which protects those making life-saving efforts during a public health emergency, according to the ruling first reported by Bloomberg Law.

Probably something the attorney general's office should have looked into earlier.

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But the facts and the law have never been the point in Paxton's crusade against COVID-19 vaccines, which the attorney general falsely called "a defective product sold by lies." Stacks and stacks of studies have demonstrated the shots were effective at reducing the chances of serious illness or death from the virus. Texas' own COVID-19 dashboard says unvaccinated Texans were "11x more likely to die of a COVID-19 associated illness" than fully vaccinated Texans.

Paxton, whose office did not respond this week to a request for comment, seemed determined to rewrite the history of the pandemic we all lived through. Forget the deadly virus that overwhelmed hospitals and morgues and sent desperate people in search of horse deworming paste and other quack cures. Somehow the real villains were those who swiftly developed the vaccines that helped our nation gradually return to normalcy.

And a quick fact check: The pharmaceutical companies weren't the only ones touting the promise of vaccines. Then-President Donald Trump, a Paxton pal, said at a December 2020 summit that the COVID-19 vaccines were "amazing" and "a miracle," adding that "this will quickly and dramatically reduce deaths and hospitalizations."

I recognize some people did not want to take a new vaccine, or any vaccine at all. That choice belongs to each person. (Ultimately, nearly two-thirds of Texans became fully vaccinated.)

As I noted when Paxton first filed this lawsuit, the big lie of the pandemic was the suggestion the coronavirus wasn't all that bad, that *no* safety measures – masks, distancing efforts or optional vaccines – were needed against a virus that killed 1.1 million Americans. How quickly we've repressed the depth of that disaster.

I'm relieved Paxton's case couldn't find traction, even in the U.S. District Court based in Lubbock, Paxton's preferred venue given its reliable stock of conservative judges (Cummings is a Reagan appointee).

Still, Paxton used his powerful office and our taxpayer dollars to push debunked misinformation about COVID-19 vaccines. Renowned vaccine researcher Dr. Peter Hotez has estimated that 200,000 Americans – 40,000 of them Texans – needlessly died during the pandemic because they declined to take COVID vaccines that would have helped protect them. Knowing that now, how could any politician continue to undermine confidence in these vaccines?

Instead, Paxton decided to pander to a tiny base – fewer than 1 in 5 Texans say they don't believe vaccines in general are safe or effective – while stirring up false doubts about matters of public health. The impact isn't confined to the pandemic. We're seeing a rise in vaccine hesitancy and distrust of science that will haunt us for much longer than the coronavirus did.

What a shame the damage can't be undone as easily as Paxton's discarded lawsuit.

Grumet is the Statesman's Metro columnist. Her column, ATX in Context, contains her opinions. Share yours via email at bgrumet@statesman.com, or via X or Bluesky at @bgrumet. Find her previous work at statesman.com/opinion/columns.

This story was updated to add a video.