

## The Meaning of Equal Protection

By Rita Swan, President Emeritus CHILD Inc.

On November 10, U.S. District Court Judge Lee Yeakel struck down a Texas law prohibiting mask mandates in schools. The challenge was brought by a disability rights group who argued that attending classrooms of unmasked students discriminates against special needs children, who are at higher risk of disease.

Judges Yeakel held that the Americans with Disabilities Act protects disabled individuals from discrimination and that subjecting disabled students to higher risk of disease constitutes discrimination. Here is his ruling: [Judge Yeakel's Ruling](#)

This is a welcome victory for common sense and child protection. It has similarities to *Brown v. Stone*, 378 So. 2d 218 (Miss. 1979) in which the Mississippi Supreme Court ruled the state's religious exemption from immunizations unconstitutional in part because it discriminated against both the vaccinated and unvaccinated children.

The COVID pandemic has certainly polarized Americans. Some Republican officials in Pennsylvania oppose mask mandates and unbelievably, one state legislator even said having to wear a mask was child abuse and in September the child abuse hotline got fifty reports of child abuse related to wearing or not wearing a mask. Pennsylvania's Center for Children's Justice distributed [a letter](#) opposing the equation of mask wearing with abuse as showing a [callous disregard for children](#).