

May 22, 2021

Chairman Lipps, Vice Chair Holmes, Ranking Member Russo, and Members of the House Health Committee, thank you for the opportunity to provide proponent testimony on House Bill 248.

The idea that a government agency, let alone a private business, has the right to require medical treatment in the form of vaccines or else to discriminate against those who refuse to comply is a violation of fundamental moral principles and is based on a false application of the power of the State as well as the principle of totality.

The principle of totality states that when a part of something exists for the sake of the whole (i.e. the totality) the part can be sacrificed or harmed for the benefit of the whole. The part in that case has no rights separate from the whole. This principle has a legitimate application in medical treatments which might involve some risk or even certain harm to a part of the body but which ultimately are for the good of the body as a whole. This, for example, is the moral justification for the amputation of a gangrenous leg to save one's life. This is also the moral principle justifying the *risk* of harm which we accept when receiving various medical treatments including vaccines. No matter how great or how small that risk may be it is never zero. We make a choice either to accept or reject that risk for the benefit of the body as a whole.

Pope Pius XII upheld this principle many times in addresses to those in the medical profession. However, he also made it clear that this principle *cannot* be applied when it is a question of the relationship of an individual person to society as a whole. The individual human person does not exist for the sake of society. He is an individual person with rights from God, not from the State. Any denial of this would involve falling into the Communist error which makes individuals subordinate to the whole of society and absorbs individual rights into the collectivity.

In 1956, Pius XII explicitly denied the right of government to act in this way: "Without going into long theoretical considerations, We would like to repeat and confirm what We have often said and what Our predecessors never failed to inculcate: the right to life, the right to integrity of the body and of life, the right to the care which they need, the right to be protected from the dangers which threaten them, this the individual receives immediately from the Creator, not from another man, nor from groups of men, not from the state or groups of states, nor any political authority. This right, the individual receives first in himself and for himself, then in relation with other men and with society, and this not only in the order of present action, but also in that of finality."

<http://www.clerus.org/bibliaclerusonline/es/cl4.htm>

Also in 1952 Pius XII stated to a gathering from the medical profession: "Is there any moral limit to the 'medical interests of the community' in content or extension? Are there 'full powers' over the living man in every serious medical case? Does it raise barriers that are still valid in the interests of science or the individual? Or, stated differently: Can public authority, on which rests responsibility for the common

good, give the doctor the power to experiment on the individual in the interest of science and the community in order to discover and try out new methods and procedures when these experiments transgress the right of the individual to dispose of himself? In the interests of the community, can public authority really limit or even suppress the right of the individual over his body and life, his bodily and psychic integrity?"

"...by virtue of the principle We have cited, public authority has no power in this sphere. It cannot, therefore, pass it on to research workers and doctors. It is from the State, however, that the doctor must receive authorization when he acts upon the organism of the individual in the 'interests of the community.' For then he does not act as a private individual, but as a mandatory of the public power. The latter cannot, however, pass on a right that it does not possess..."

<https://epublications.marquette.edu/cgi/viewcontent.cgi?article=4385&context=lnq>

The attempt to apply the principle of totality to forced medical treatments "for the common good" has historically resulted in some of the worst abuses. Among many that could be cited it is enough to mention the State of Maine which in 1925 became the 25<sup>th</sup> state to pass a law for the forced sterilization those whom society deemed unfit to reproduce. A minimum of 326 individuals were forcibly sterilized under this law under the plea that it was voluntary or that they were unfit to make the decision to refuse it. The decade previous to this the eugenics movement in Maine resulted in the forced removal of the poor mixed race residents of Malaga Island who were deemed unfit for society. They were forced from their homes and a number of them committed to asylums for the feeble-minded in addition to being sterilized.

<https://www.uvm.edu/~lkaelber/eugenics/ME/ME.html>

<https://dash.harvard.edu/handle/1/37365642>

<https://mainstatemuseum.org/learn/malaga-island-fragmented-lives-educational-materials/the-history/>

Society has been down this dark road already a hundred years ago. Despite international agreements to protect the right of patient consent we have not eliminated all the vestiges of those days. If we do not want to repeat such atrocities society must stop placing medical or government opinion of what is for the "common good" over the right of the individual human person to decide what medical treatment they will accept for their own body. It is not a question of who is right regarding the medical decision to use or refuse a vaccine but of *whose* right it is to make this choice. The government does not have this power, and if the government does not have it certainly an employer or business does not have it. There really should not even be a requirement in this bill to state *any* reason at all for refusal to comply with a vaccine requirement. Such requirements should simply be forbidden as a violation of human rights.

Thank you for listening to my concerns. Any questions are welcome.

Fr. Gabriel Lavery