

August 18, 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 principle of totality.

The principle of totality states that since every part of the body exists for the sake of the whole (i.e. the totality) the part can be sacrificed or harmed for the benefit of the whole body. The part in that case has no rights separate from the whole. This is the principle justifying medical treatments that involve risk such as vaccines. It is the moral justification for the amputation of a gangrenous leg to save one's life.

Pope Pius XII who spoke in favor of vaccines on various occasions 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 to forcing medical treatment on an individual for the good of the community.

In 1956 Pius XII explicitly denied the right of government to act in this way: "The right to life, the right to integrity of the body and of life... 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."

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

In 1952 Pius XII discussed the question on whether or not medical treatment could be forced on an individual if it was in the best interest of the community. He said it cannot: "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?... 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 on a right that it does not possess..."

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

I should add here in anticipation of an objection: This right over one's own body does not prevent the state from protecting the lives of unborn children in the womb. That is not a question of medical treatment but of protecting the life of a child who has as much right to life as every other human being. The mother does not have rights over the life of the child and the state is simply fulfilling its duty of protecting that life.

Returning to the question: The individual human person has rights from God, not from the State, and cannot be treated as a mere tool of the collective. 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. Communism takes

away individual rights over private property under the plea that it will be “for the common good.” This is using an evil means to accomplish a supposedly good end and this is never justified. For the same reason no one can force medical treatment on someone even if it is claimed to be for the “good of society.” A good end never justifies the use of an evil means to get there.

So the bottom line is, no matter how strongly one personally believes in the value or efficacy of any vaccine one must support the right of everyone to choose freely, and this includes protecting them against what amounts to the equivalent use of force when they are essentially excluded from society for their refusal to take the vaccine. If you have been following the news lately this is absolutely what certain people are pushing for. They want every unvaccinated person to be denied the basic right to be part of society. This is unjust compulsion, not free choice.

It is time to stand up for the right of individuals to make their own medical decisions. There are so many questions involving natural immunity, risk factors, age, lack of trust in drug companies that stand to make huge profits from pushing the vaccines, etc. Allowing businesses to ignore all of these questions and to mandate employees to take medical treatment with zero opportunity for individual decision making is wrong. It is immoral.

We have been down this dark road before. 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 25th state to pass a law for the forced sterilization of those whom society deemed unfit to reproduce. Citizens 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://mainestatemuseum.org/learn/malaga-island-fragmented-lives-educational-materials/the-history/>

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 choose 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.

Thank you for listening to my concerns. Please vote in favor of HB 248.

Fr. Gabriel Lavery