

Thursday, February 7th, 2019

Dear Honorable Members of the Public Health Committee, State of Connecticut,

I am submitting written testimony in objection to HB-7005. I believe in the separation of church and state. My moral and spiritual beliefs are my own, and I do not have to prove my religious convictions for God to the state or a member of the clergy. No one, no member of the clergy or religious official, no politician, no state, no one has the right to deny or disparage me or my children for our rights to freely practice our religion in any way that we see fit. This bill is in direct violation of my, and every other resident of the state of Connecticut's, constitutional rights to practice religious freedom as I see fit. Since the United States was founded on certain freedoms, it is logical that these freedoms would include the right to choose whether foreign substances (particularly those containing aborted fetal tissue) would be injected into one's body.

The bill's language clearly violates the First Amendment religious free exercise clause and the Fourteenth Amendment which addresses citizenship rights and equal protection of the laws as well as due process right to freely parent one's children. The government cannot attempt to separate religious beliefs from moral views or safety concerns associated with vaccines, as these beliefs can be predicated upon one's interpretation of one's faith. Further, the state cannot force an individual to agree with their opinion on the risks and benefits of vaccination as well as the risks to public health. Moreover, this presumes that all parents with religious exemptions are unfit to parent (i.e., the state, government, clergy, church, etc. knows better), which is unconstitutional. This acknowledgement would force one to reveal medical information in order to exercise a religious freedom, which also violates HIPPA privacy laws.

Prior court decisions have upheld the rights of individuals seeking exemptions from immunizations based upon personal and religious reasons. On the U.S. Supreme Court level in *Frazee v. Illinois Dept. of Security*, 489 U.S. 829, it was found that "a state may NOT deny an exemption simply because a person is not a member of a formal religious organization." It is simply government tyranny to do otherwise.

Please refer to the following cases for further clarification on this matter:

United States v. Ballard, 322 U.S. 78 (1944) the court ruled that "religious teachings could not be prosecuted for fraud. The beliefs of one person may seem preposterous to another, but religious liberty demands the widest toleration of conflicting views."

Berg v. Glen Cove City School District., 853 F. Supp. 651, 654 (E.D.N.Y. 1994) (quoting *Elrod v. Burns*, 427 U.S. 347, 373, 96 S.Ct. 2673, 2689, 49 L.Ed.2d 547 (1976), which held that "the loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury";

Lewis v. Sobel, 710 F. Supp. 506 9S.D.N.Y. (1989), which held that the defendant had "violated the plaintiff's First Amendment right to free exercise of religion by denying the exemption", *id* at 507, and "awarded money damages for the violation of their First Amendment right to free exercise of their religion" *Id* at 517;

Mason vs. General Brown Central School District, 851 F.2d 47 (2nd Cir. 1988), which held that “it is sufficient if the belief occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God.” (quoting *United States v. Seeger*, 380 U.S. 163, 166, 85 S.Ct. 850, 854);

Sherr and Levy vs. Northport East-Northport Union Free School District, 672 F. Supp, 81, 91 (E.D.N.Y., 1987) which held that “exemption should be offered to all who sincerely hold religious beliefs”;

Farina v. The Board of Education, 116 F. Supp.2d 503, 507 (S.D.N.Y. 200) (citing *Sherr and Levy vs. Northport East-Northport Union Free School District*, 672 F. Supp, 81, 91 (E.D.N.Y., 1987) which held that “the beliefs need not be consistent with the dogma of any organized religion, whether or not the plaintiffs belong to any recognized religious organization”;

Lewis v. Sobel 710 F. Supp. At 515 (quoting *Allanson v. Clinton Central School District.*, No. 84-174, slip. Op. at 15 (N.D.N.Y. May 1984) holding that the court “need only determine that a sincere religious belief underlies the applicants present claims” (i.e. past vaccines or previously different religious beliefs do not automatically prevent the exercise of a present exemption)

Brusewitz vs. Wyeth (09-152) [562 U.S. 223 (2011)] The Supreme Court held that all vaccines are presumed to come with “unavoidable adverse side effects” and are “unavoidably unsafe.”

The Privacy Act of 1974 (U.S. Department of Justice) protects personal information about individuals held by the Federal government. The following information was taken from the Department of Health and Human Services, under the HIPPA law, Privacy and Security page. It can be concluded from the below information that it would indeed be a violation of HIPPA law for a member of the clergy to be aware of ones medical information, including, but not limited to, whether vaccinations have been administered. The following information is protected:

- Information your doctors, nurses, and other health care providers put in your medical record
- Conversations your doctor has about your care or treatment with nurses and others
- Information about you in your health insurer’s computer system
- Billing information about you at your clinic
- Most other health information about you held by those who must follow these laws
- Covered entities must put in place safeguards to protect your health information and ensure they do not use or disclose your health information improperly.
- Covered entities must reasonably limit uses and disclosures to the minimum necessary to accomplish their intended purpose.
- Covered entities must have procedures in place to limit who can view and access your health information as well as implement training programs for employees about how to protect your health information.
- Business associates also must put in place safeguards to protect your health information and ensure they do not use or disclose your health information improperly.

Furthermore, due to many children's IEPs, they are entitled to additional protections under FERPA. The Family Educational Rights and Privacy Act (FERPA) is a federal law that affords parents the right to have access to their children's education records, the right to seek to have records amended, and the right to have control over the disclosure of personally identifiable information from the education records.

At the elementary and secondary level, student health records, including immunization records, maintained by educational agencies and institutions subject to FERPA, are "education records" under FERPA. Parents have a right under FERPA to inspect and review these health and medical records because they are "education records" under FERPA. See 34 CFR §§ 99.10 – 99.12. In addition, these records may not be shared with third parties without written parental consent, unless the eligible student is over 18 years of age.

Congress has provided **no exception** to FERPA's general consent requirement that permits such routine disclosures of immunization records, without parental or eligible student consent.

This is clearly an example of legislative creep. Connecticut's antidiscrimination laws do not require people to "prove" their religions to their employers, retail establishments, hospitals, school administrators, or anyone else. Schools and members of clergy should be no different. Religion is a private family matter and how I choose to practice my religion bears no effect on others.

Taken from the Constitution of the State of Connecticut:

"The People of Connecticut acknowledging with gratitude, the good providence of God, in having permitted them to enjoy a free government; do, in order more effectually to define, secure, and perpetuate the liberties, rights and privileges which they have derived from their ancestors; hereby, after a careful consideration and revision, ordain and establish the following constitution and form of civil government." "SEC. 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in the state; provided, that the right hereby declared and established, shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace and safety of the state."

There are only 1,255 persons utilizing a religious exemption in the State of Connecticut. Since the total population is approximately 3,590,886, then only approximately 0.003486 percent of our states population is exempt for religious reasons. Such a small number, when the statewide childhood vaccination rate is 98.7%, does NOT negatively alter the peace and safety of the state.

Connecticut's constitution also states in section 20 "No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his civil or political rights because of religion, race, color, ancestry or national origin."

Chapter 368a*, Department of Public Health states "(c) Except as specified in subsections (a) and (b) of this section, all personal information including vaccination status and dates of vaccination of individuals shall be confidential pursuant to section 19a-25 and shall not be further disclosed without the authorization of the child or the child's legal guardian. The commissioner shall adopt regulations, pursuant to chapter 54, to specify how information on vaccinations or exemptions from vaccination is reported in a timely manner to the registry, how information on the registry is made available to health

care providers, parents or guardians, directors of health and school nurses, how parents or guardians may decline their child's enrollment in the registry, and to otherwise implement the provisions of this section.”

Furthermore, all children living in the United States have the right to a free public education, and the Constitution requires that all children be given equal educational opportunity no matter their race, ethnic background, religion, sex, economic status or citizenship.

Duncan v. Louisiana (1968) “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States seem to me an eminently reasonable way of expressing the idea that henceforth the Bill of Rights shall apply to the States.”

Everson v. Board of Education (1947) “No state or government can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. “

Meyer v. Nebraska (1923) “The established doctrine is that this liberty may not be interfered with, under the guise of protecting the public interest, by legislative action which is arbitrary or without reasonable relation to some purpose within the competency of the State to effect..”

As according to the National Center for Education, Connecticut is required to provide free education for ALL students for children aged five through 18. Therefore, the state cannot legally prevent a child from receiving a free, public education.

And finally, *Title VII, Civil Rights Act of 1964* may apply “It shall be an unlawful practice...to discriminate against any individual...because of such individual’s race, color, religion, sex, or national origin.”

Please oppose HB-7005, HB-5277, and any other bill that is proposed to violate our religious rights, particularly in regards to vaccines and forced medical interventions.

Sincerely,

Dow K.
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