

The limits on privacy and freedom of choice

The latest CDC 'guidance' (not regulations) has given the green light to states for dropping face coverings for the vaccinated but have stopped short of giving the go-ahead for eliminating mask-wearing among the un-vaccinated. This presents a problem for businesses that want to stay on the 'right' side of their state governments and the Feds.

In order to segregate shoppers that have already been vaccinated from coming in contact with other customers that may not be vaccinated, businesses are faced with a dilemma. Should they declare an amnesty on the unvaxxed and let them mingle with the vaxxed or should they act as border guards who are empowered to check the vaccine bona fides of everyone that comes through the door of their establishments? Before we go into detail, let's go on record with a couple of facts. First, American citizens are not required by law to carry identification with them unless they are operating a motor vehicle or are entering restricted government or military areas. Foreign nationals who are here on visas or who have 'Green Cards' ARE required by law to carry them with them wherever they go in the USA.

In the case of travel to foreign lands where certain diseases are prevalent (like Malaria, for example) U.S. citizens will need to produce proof of inoculation when entering certain African countries, for example. To my knowledge, no American has been required to produce proof of vaccination when traveling within the United States in the past 100 years. There was a smallpox outbreak in the U.S. in the late 1800s and into the next century and many states mandated vaccinations of their residents. Back then, border officials did not expect travelers to carry the identification documents that international transit requires today, but they did often require passengers to provide evidence that they had been vaccinated from smallpox. As an El Paso newspaper put it in 1910, travelers needed to show one of three things: "A vaccination certificate, a properly scarred arm, or a pitted face" (the latter indicating that they had survived smallpox).

Today, our government wants EVERYBODY to be vaccinated against the Coronavirus - even low-risk children - and they are arguing (mostly privately at this point) that a printed or electronic certification of a person's vaccination status, often referred to as a vaccine passport, may be necessary. That way, we all would be protected and could return to *safe* communal life. Right now, there are a few major sports arenas that have already announced that they will only allow fans to attend games with proof of vaccination! Tourism industry leaders are speculating that proof of vaccination will be necessary for international travelers this summer. Many who oppose vaccinations in general and the Covid-19 vaccination in particular are saying that requiring such documentation infringes on their individual civil liberties. Some are even suggesting that these passports could be the beginning of a return to a "1940s Nazi Germany" society or a surveillance state. Thankfully, some U.S. Governors are taking the lead in protecting such individual liberties by banning all vaccine passports. Florida's Governor DeSantis calls it "unacceptable for either the government or the private sector" to require vaccination in order for citizens to be "able to participate in normal society."

Supporters of mass vaccination today argue that our previous history with fighting smallpox (and the requirement for inoculation) is proof that vaccines work and that the infringement on personal liberty is justified. This is the typical Democrat position that the 'collective has more rights than any individual' and it was in full view in 1901 when a Chicago physician wrote that "Vaccination should be the seal on the passport of entrance to the public schools, to the voters' booth, to the box of the juryman, and to every position of duty, privilege, profit or honor in the gift of either the State or the Nation." In the 1920s "showing a (smallpox vaccine) scar" was the way the public gained entry to lodges and other meetings. It was the equivalent of saying "Joe sent me" to gain access to a speakeasy during prohibition. Soon it is expected that employers across the country will voluntarily fall in line with the government's *guidance* and take it upon themselves to become the country's vaccine traffic cops and start mandating that ALL their workers be vaccinated or...no job. Schools are sure to follow as are all (especially Blue states') government agencies.

Supporters say, "We mandate rabies vaccinations for our house pets, shouldn't we exercise the same preventative measures with our fellow citizens?" While that sounds like a powerful argument, it does not take into consideration the vast number of human beings here that have already HAD the Coronavirus or those who have a natural immunity to it. THEY have not been tested, neither have schoolchildren who have been found to be largely immune from the virus.

So what's the rush? The short and maybe the simplest answer from an individual rights advocate like myself is...the desire for absolute governmental control on the part of the 'collectivists' by circumventing our individual right to manage our own health. The theory is that by making us more compliant, we all become more *pliable* when the next infringement on our liberties is suggested by those in power. To be sure, there are many decent well-meaning bureaucrats and health professionals that view government vaccine 'management' as a justified tradeoff of liberty for protection, but they are ignoring the possible future abuses of power that this tradeoff would allow when the next national crisis occurs. Ah, but there's the HIPAA laws that will protect us from being forced to share our health information with strangers you say. Think again.

Since 1996, part of the Health Insurance Portability and Accountability Act (HIPAA) has required that some patients' health information be protected. That's the good news. Unfortunately, many legal experts say that non-health care businesses don't violate HIPAA if they ask for proof of a COVID-19 vaccination. HIPAA's privacy rule is designed "to assure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well-being," the U.S. Department of Health and Human Services said on its website. The loophole is the last part: "...while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well-being." The rule applies to people in medical-related fields, including insurance and medical providers, but it doesn't protect personal health information in every situation. It only governs certain kinds of entities like your clinician, hospital, or others in the health care sphere. It doesn't apply to the average person or to a business outside the health care industry. It doesn't give someone personal protection against ever having to disclose their health information.

Most businesses don't operate under HIPAA laws and that's why the so-called 'vaccine passport' or 'vaccine cards' could become the ticket to admission when crossing over retailers' thresholds. Fortunately, many businesses probably won't want to become 'vaccine traffic cops' and run the risk of alienating their customers by demanding to see these documents. Unfortunately, that might mean that those retailers not brave enough to drop all mask requirements and implement a 'don't ask, don't tell' policy might just keep their mask mandates in places to protect themselves from possible lawsuits. For more information on the finer points of the HIPAA laws, log on to the U.S. Health and Human Services (HHS) website at: www.hhs.gov. Individuals may also file complaints at: <https://www.hhs.gov/hipaa/filing-a-complaint/index.html?language=es>.

What's next, then? I'm afraid that we're in for another round of *identity politics on steroids*. This time it is the collectivist Left that is focusing on what they see as the two groups that are facing off on this vaccine argument. The first is those like themselves who are "doing their patriotic duty" as our President has said and are becoming vaccinated (whether they truly need the vaccine or not), AND then there are all the others, those "evil individual rights zealots who would rather protect themselves and put the rest of society at risk." That's how polarized we are on this issue.

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