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Subject: Constituent Objection to Vaccine Passport Proposal

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Dear Elected Officials,

I am a constituent residing in Council District 3. I came across this article covering the vaccine passport ("vaxport") proposal pending before the council: <https://bethesdamagazine.com/bethesda-beat/government/council-digs-into-logistics-of-montgomery-county-vaccine-passport-proposal/> and thanks to an email from Mrs. Navarro, I have also read the actual memo to the County Council from Ms. Wellons dated 1/11/2022.

This proposal should not pass for the following reasons:

1. It will not stop the immuno-evasive Omicron, and is unlikely to even significantly slow it down.
2. It will make it more difficult to do business, decrease revenue and local consumer spending, and lead to conflicts in the marketplace.
3. There are so many exceptions that the policy will be arbitrary.
4. It invades the privacy of your own constituents and punishes them for exercising their bodily autonomy protected by our Constitution.
5. It will exacerbate division in our community.

**1. Will Not Stop the Spread of Omicron.** Mr. Erlich's latest monthly newsletters have indicated that Montgomery County has the highest rate of vaccinated residents of any county in the entire country, over 80%. Mrs. Navarro's 1/13/2022 email reports it even higher at 95%. So that means no county has done better than ours with mass vaccinations. Shouldn't this be enough? Yet the memo to this Council argues that vaxports raise the vaccination rates. Raise them above 95% to what magical number? Why are vaxports needed to target the very small minority of unvaxxed persons in this community? The Omicron variant surge demonstrates that vaccination is insufficient to stop the spread among people who are vaxxed or unvaxxed. Despite the sky-high vax numbers, the spread is speeding up - not slowing down. Recent data shows that Omicron is immuno-evasive. Vaxports will not somehow improve the vaccines' vulnerability to Omicron, but will only provide a false sense of security that we are safe among other vaxxed persons while doing business in the county, and perhaps

even lure residents into being less vigilant with other normal precautions like distancing, masking, and hand-washing. The vaxport proposal does not contain a provision for entry into businesses by a person with a recent negative PCR test. It thus embraces the false notion that you are better protected from COVID spread by shopping or exercising next to a vaxxed and untested person who may be COVID-positive, rather than a COVID-negative tested person regardless of their vax status. Even if the vaxport proposal had a negative-testing exception, it would still be difficult to fairly apply because of the inconvenience and inability of testing sites. Negative testing and asymptotology should be our guide - that is science. Vaxports are theater - especially in a county with 95% vaccination already.

**2. Making it more difficult to do business.** We know there is a shortage of workers already for many businesses, which means curtailed hours and services to customers. On top of all that, wouldn't vaxports impose yet another burden on business to have someone trained to verify vaxports and stationed at the doorway for every customer that walks through? Can laypersons be relied upon to know what "vaccinated" means under a vaxport requirement (1 shot?, 2 shots? booster?)? In addition, if an unvaxxed person walks in, do they have to discuss or argue a medical or religious basis for exemption from a vaccine requirement? Who or what entity is even requiring universal vaccination anyway? Where does one apply for a religious or medical exemption if vaccination is not universally required in the first place? Will the businesses' designated workers really engage them in-depth and personally involving their confidential, private, HIPPA-protected info? Or their personally-held religious beliefs? Or the latest Omicron surge data and immuno-evasiveness? Will the customer have some undefined "burden of proof" of which the business' worker will be the final arbiter? Is there an appeals process? Couldn't a person with an exemption legitimately claim illegal discrimination if denied entry? Wouldn't such a burden have a chilling effect on customers? Won't business have a natural financial incentive to ignore vaxports in order to drive more foot traffic in? What about those families who are in dire need of goods and services; will they be denied crucial goods and services in their hour of need? What about the language barrier for residents who have limited English proficiency? How will vaxports avoid a disproportionate negative effect on poorer and underserved communities? Won't it drive dollars away from local merchants who are more invested in our community, and divert them to online businesses (e.g, Amazon) that have no stake or concern here aside from volume sales? Won't it also decrease local business profit margins and thus their ability to employ local residents? Even if you hypothesize that there will be no negative effect on conducting business, vaxports are still illogical because of Point 1 - vaccines cannot stop or significantly slow down the raging Omicron variant.

**3. Exceptions Swallow Up the Rule.** There is more hole than doughnut here. With so many places exempted from vaxports, public places where huge numbers of people gather like supermarkets, malls, houses of worship, all of which draw dense crowds of people, it will be as insecure as a house with the front door locked, but all the other doors and windows unlocked, and the garage door wide open. When an otherwise strict policy allows for so many exceptions that are not logical or science-based, then it

becomes arbitrary. For example, a perfectly healthy, asymptomatic unvaxxed person can go to a mall, supermarket, or place of worship without presenting a vaxport and be in the presence of many hundreds or even thousands of other people on any given day, but then be denied entry into a much smaller cellphone store to pay their monthly bill or get service on their smartphone. So a dozen or so people at the small store are "spared" from doing business alongside a perfectly healthy and asymptomatic unvaxxed person (protected from the unquantifiable risk (if any) that poses), but hundreds of others in the larger venues are not spared. This is not logical or scientific. How is it safer for a vaxxed person in the throes of Omicron to go workout in a gym, but deny entry to the asymptomatic unvaxxed person, with a negative PCR test in hand? Vaccination means much less than asymptomatology and negative PCR-testing - that's science. The vaxport proposal before you turns science on its head. It is arbitrary.

**4. Violates personal freedoms.** While a majority of people have chosen to receive a COVID-19 vaccine for themselves and/or their children, many thousands have elected not to do so for medical or religious reasons, uncertainty of vaccine safety and/or effectiveness, or any other particular basis. These include medical professionals, teachers, emergency personnel, and many other people who serve our community with love and distinction. Direct vaccine mandates violate their bodily autonomy, and so do indirect mandates such as a vaxport requirement to do business in our home county. Why should anyone be forced to divulge HIPPA-protected medical information or status to a perfect stranger?

**5. Exacerbates division.** Even though the government may overwhelmingly be in favor of vaccination, it must respect the individual choice not to do so. Respect is shown by not making unvaxxed persons feel singled out or attacked for their exercise of bodily autonomy. In a society where there are already so many disagreements and divisions over political and ideological matters (including COVID), and not enough open dialogue and exchange of ideas, a vaxport program will only exacerbate division and stoke further resentment. Vaxport requirements elsewhere have led to large protests, civil disobedience, and defiance of a rule deemed to be irrational, overreaching, and unconstitutional by a significant number of people. I have been shocked and disturbed by certain statements made by my elected officials about my fellow community members who have not been vaccinated, particularly Mr. Elrich's message of 9/2/21 "*The Unvaccinated and Vaccine Passports*" - an unscientific *ad hominem* verbal assault on his own constituents - my fellow community members. Such messages are presumptuous, prejudicial, and unfair. And recent COVID developments and the Omicron surge have demonstrated that there is too much hyperbole and pejoratives scapegoating unvaxxed people, but not enough science and logic that actually protects public health. When this pandemic is over, will we look back with satisfaction and pride that we acted reasonably and with decency towards all, or with regret and shame that we assumed the worst in others and failed to honor their Constitutional rights as well? All of you elected officials swore an oath to follow and protect that Constitution before you took office.

Please do not do this to our community. Please do not require vaxports here.

Respectfully,

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Paul R. Rivera

**"In a time of universal deceit, telling the truth is a revolutionary act." George Orwell**

**"For I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man." Thomas Jefferson**

**"If you continue in my word, then you are truly my disciples, and you will know the truth, and the truth will make you free." Jesus, Savior of the World**