

The Right to Bodily Integrity: Nobody Wins and We All Lose in the COVID-19 Showdown

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“We’ve reached the point where state actors can penetrate rectums and vaginas, where judges can order forced catheterizations, and where police and medical personnel can perform scans, enemas and colonoscopies without the suspect’s consent. And these procedures aren’t to nab kingpins or cartels, but people who at worst are hiding an amount of drugs that can fit into a body cavity. In most of these cases, they were suspected only of possession or ingestion. Many of them were innocent... But these tactics aren’t about getting drugs off the street... [These tactics are instead about degrading and humiliating a class of people that politicians and law enforcement have deemed the enemy.](#)”—Radley Balko, *The Washington Post*

Freedom is never free.

There is always a price—always a sacrifice—that must be made in order to safeguard one’s freedoms.

Where that transaction becomes more complicated is when one has to balance the rights of the individual with the needs of

the community.

Philosophers such as Thomas Hobbes, John Locke and Jean-Jacques Rousseau envisioned the social contract between the individual and a nation's rulers as a means of finding that balance. Invariably, however, those in power grow greedy, and what was intended to be a symbiotic relationship with both sides benefitting inevitably turns into a parasitic one, with a clear winner and a clear loser.

We have seen this vicious cycle play out over and over again throughout the nation's history.

Just look at this COVID-19 pandemic: the whole sorry mess has been so overtly politicized, propagandized, and used to expand the government's powers (and Corporate America's bank balance) that it's difficult at times to distinguish between what may be legitimate health concerns and government power grabs.

After all, the government has a history of shamelessly exploiting national emergencies for its own nefarious purposes. Terrorist attacks, mass shootings, civil unrest, economic instability, pandemics, natural disasters: the government has been taking advantage of such crises for years now in order to gain greater power over an unsuspecting and largely gullible populace.

This COVID-19 pandemic is no different.

Yet be warned: we will all lose if this pandemic becomes a showdown between COVID-19 vaccine mandates and the right to bodily integrity.

It doesn't matter what your trigger issue is—whether it's vaccines, abortion, crime, religion, immigration, terrorism or some other overtly politicized touchstone used by politicians as a rallying cry for votes—we should all be concerned when governments and businesses (i.e., the Corporate State) join forces to compel individuals to sacrifice their *right* to

bodily integrity (which goes hand in hand with the right to conscience and religious freedom) on the altar of so-called safety and national security.

That's exactly what's unfolding right now, with public and private employers using the threat of termination to [force employees to be vaccinated](#) against COVID-19.

Unfortunately, legal protections in this area are limited.

While the Americans with Disabilities Act protects those who can prove they have medical conditions that make receiving a vaccination dangerous, employees must be able to prove they have a sensitivity to vaccines.

Beyond that, employees with a religious objection to the vaccine mandate can try to [request an exemption](#), but even those who succeed in gaining an exemption to a vaccine mandate may have to submit to routine COVID testing and mask requirements, especially if their job involves contact with other individuals.

Under the First Amendment and Title VII of the Civil Rights Act of 1964, individuals have a right of conscience and/or religious freedom to ask that their sincere religious beliefs against receiving vaccinations be accommodated. To this end, The Rutherford Institute has issued [guidance and an in-depth fact sheet and model letter](#) for those seeking a religious exemption to a COVID-19 vaccine mandate in the workplace. The Rutherford Institute's policy paper, "[Know Your Rights: How To Request a Religious Accommodation for COVID-19 Vaccine Mandates in the Workplace](#)," goes into the details of how and why and in which forums one can request such accommodation, but there is no win-win scenario.

As with all power plays of this kind, the ramifications of empowering the government and its corporate partners to force individuals to choose between individual liberty and economic survival during a so-called state of "emergency" can lead to

terrifying results.

At a minimum, it's a slippery slope that justifies all manner of violations in the name of national security, the interest of the state and the so-called greater good.

If the government—be it the President, Congress, the courts or any federal, state or local agent or agency—can willfully disregard the rights of any particular person or group of persons, then that person becomes less than a citizen, less than human, less than deserving of respect, dignity, civility and bodily integrity. He or she becomes an “it,” a faceless number that can be tallied and tracked, a quantifiable mass of cells that can be discarded without conscience, an expendable cost that can be written off without a second thought, or an animal that can be bought, sold, branded, chained, caged, bred, neutered and euthanized at will.

That's exactly where we find ourselves now: caught in the crosshairs of a showdown between the rights of the individual and the so-called “emergency” state.

All of those freedoms we cherish—the ones enshrined in the Constitution, the ones that affirm our right to free speech and assembly, due process, privacy, bodily integrity, the right to not have police seize our property without a warrant, or search and detain us without probable cause—amount to nothing when the government and its agents are allowed to disregard those prohibitions on government overreach at will.

This is the grim reality of life in the American police state.

Our so-called rights have been reduced to technicalities in the face of the government's ongoing power grabs.

Yet those who founded this country believed that what we conceive of as our rights were given to us by God—we are created equal, according to the [nation's founding document, the Declaration of Independence](#)—and that government cannot

create nor can it extinguish our God-given rights. To do so would be to anoint the government with god-like powers and elevate it above the citizenry.

And that, in a nutshell, is what happens when government officials are allowed to determine who is deserving of constitutional rights and who should be stripped of those rights for whatever reason may be justified by the courts and the legislatures.

In this way, concerns about COVID-19 mandates and bodily integrity are part of a much larger debate over the ongoing power struggle between the citizenry and the government over our property "interest" in our bodies. For instance, who should get to decide how "we the people" care for our bodies? Are we masters over our most private of domains, our bodies? Or are we merely serfs who must answer to an overlord that gets the final say over whether and how we live or die?

This debate over bodily integrity covers broad territory, ranging from abortion and euthanasia to forced blood draws, biometric surveillance and basic healthcare.

Forced vaccinations are just the tip of the iceberg.

Forced vaccinations, forced cavity searches, forced colonoscopies, forced blood draws, forced breath-alcohol tests, forced DNA extractions, forced eye scans, forced inclusion in biometric databases: these are just a few ways in which Americans continue to be reminded that we have no control over what happens to our bodies during an encounter with government officials.

Consider the case of *Mitchell vs. Wisconsin* in which the U.S. Supreme Court in a [5-4 decision](#) found nothing wrong when [police officers read an unconscious man his rights and then proceeded to forcibly and warrantlessly draw his blood while he was still unconscious](#) in order to determine if he could be charged with a DUI.

To sanction this forced blood draw, the cops and the courts hitched their wagon to state “implied consent” laws (all of the states have them), which suggest that merely *driving* on a state-owned road implies that a person has consented to police sobriety tests, breathalyzers and blood draws.

More than [half of the states \(29 states\) allow police to do warrantless, forced blood draws on unconscious individuals](#) whom they suspect of driving while intoxicated.

Seven state appeals courts have declared these warrantless blood draws when carried out on unconscious suspects are unconstitutional. Courts in seven other states have found that implied consent laws run afoul of the Fourth Amendment. And yet seven other states (including Wisconsin) have ruled that [implied consent laws provide police with a free pass when it comes to the Fourth Amendment and forced blood draws.](#)

Read the writing on the wall, and you’ll see how little remains of our right to bodily integrity in the face of the government’s steady assaults on the Fourth Amendment.

Our freedoms—especially the Fourth Amendment—continue to be strangulated by a prevailing view among government bureaucrats that they have the right to search, seize, strip, scan, spy on, probe, pat down, taser, and arrest *any* individual at *any* time and for the *slightest* provocation.

Worse, on a daily basis, Americans are being made to relinquish the most intimate details of who we are—our biological makeup, our genetic blueprints, and our biometrics (facial characteristics and structure, fingerprints, iris scans, etc.)—in order to clear the nearly insurmountable hurdle that increasingly defines life in the United States: **we are now guilty until proven innocent.**

Such is life in America today that individuals are being threatened with arrest and carted off to jail for the least hint of noncompliance, homes are being raided by militarized

SWAT teams under the slightest pretext, property is being seized on the slightest hint of suspicious activity, and roadside police stops have devolved into government-sanctioned exercises in humiliation and degradation with a complete disregard for privacy and human dignity.

While forced searches—of one's person and property—may span a broad spectrum of methods and scenarios, the common denominator remains the same: a complete disregard for the dignity and rights of the citizenry.

Unfortunately, the indignities being heaped upon us by the architects and agents of the American police state—whether or not we've done anything wrong—are just a foretaste of what is to come.

The government doesn't need to tie you to a gurney and forcibly take your blood or strip you naked by the side of the road in order to render you helpless. As this showdown over COVID-19 vaccine mandates makes clear, the government has other methods—less subtle perhaps but equally devastating—of stripping you of your independence, robbing you of your dignity, and undermining your rights.

With every court ruling that allows the government to operate above the rule of law, every piece of legislation that limits our freedoms, and every act of government wrongdoing that goes unpunished, we're slowly being conditioned to a society in which we have little real control over our bodies or our lives.

You may not realize it yet, but you are not free.

If you believe otherwise, it is only because you have made no real attempt to exercise your freedoms.

Had you attempted to exercise your freedoms before now by questioning a police officer's authority, challenging an unjust tax or fine, protesting the government's endless wars,

defending your right to privacy against the intrusion of surveillance cameras, or any other effort that challenges the government's power grabs and the generally lopsided status quo, you would have already learned the hard way that the American Police State has no appetite for freedom and it does not tolerate resistance.

This is called authoritarianism, a.k.a. totalitarianism, a.k.a. oppression.

As Glenn Greenwald [notes](#) for the *Guardian*:

Oppression is designed to compel obedience and submission to authority. Those who voluntarily put themselves in that state – by believing that their institutions of authority are just and good and should be followed rather than subverted – render oppression redundant, unnecessary. Of course people who think and behave this way encounter no oppression. That's their reward for good, submissive behavior. They are left alone by institutions of power because they comport with the desired behavior of complacency and obedience without further compulsion. But the fact that good, obedient citizens do not themselves perceive oppression does not mean that oppression does not exist.

Get ready to stand your ground or run for your life.

As I make clear in my book [Battlefield America: The War on the American People](#), our government “of the people, by the people and for the people” has been transformed into a greedy pack of wolves that is on the hunt.

“We the people” are the prey.

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