



KETCHIKAN GATEWAY BOROUGH

Assembly Member Agenda Item Sponsor Statement

Received in Clerk's Office:
11:00 a.m. December 10, 2020

Meeting Date:
December 21, 2020

Mayor Dial, Sponsor

Title

Resolution Supporting the Protection of Individual Civil Rights Relative to COVID-19 Vaccination Requirements

REQUESTED ACTION

"I move to adopt the attached resolution supporting Protection of Individual Civil Rights Relative to COVID-19 Vaccination Requirements."

SUMMARY OF ISSUE

The United States of America was founded on the principles of liberty, justice, and the primacy of individual freedoms endowed by our Creator. These fundamental protections are enshrined in the United States Constitution and Bill of Rights, and are likewise explicitly protected in the Alaskan Constitution wherein it recognizes and protects some of these freedoms in Article I, Section 22 by stating: "The right of the people to privacy is recognized and shall not be infringed."

Our community remains in the throes of an unprecedented pandemic due to the COVID-19 virus. In addressing the public health threats throughout much of 2020, our local community has, unlike many municipalities across the country, largely successfully managed the pandemic without the need to direct and prohibit citizen actions by government mandate. Instead, the greater Ketchikan community has followed the guidance of our local EOC, state mandate requirements, and CDC guidance to contain and control the spread of the virus. This approach has featured heightened requirements for travel on commercial carriers, but has not included broad governmental mandates regarding curfew, the right to assemble, and the requirement to wear masks and other PPE. Much of the community's success in combating the pandemic has been through recommendations, public education, and requests for citizen support for various measures designed to stem the spread of the disease. The civil liberties of our citizens have continually weighed heavily on the minds of public officials and emergency management teams.

With the federal regulators hurrying the processing of approvals for COVID-19 vaccine usage, we soon stand to face another challenge to find a balance between combating the pandemic and protecting the civil liberties of the citizens. Some communities may try to mandate vaccination as the vaccine becomes more broadly available. Others will limit the ability of citizens to exercise certain fundamental rights unless the citizens submit through compulsion to be vaccinated, or equally onerous, provide evidence of private information confirming they have chosen to submit to

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the medical treatment. Many will see these as worthy and measurably the small surrenders of fundamental constitutional rights necessary to protect public health. Many others will recognize that small sacrifices of liberties are in certain respects a trade of freedom for security, an exchange not made without full and conscious recognition of the costs to those constitutional principles we hold dear as a community and as a nation.

In facing the coming challenge posed by broad availability of the COVID-19 vaccine, the imperative of the moment will seem paramount. The fear and loss associated with what COVID-19 has brought to 2020 is never more apparent. Nevertheless, as public officials, the sponsor feels it is equally imperative to, in the course of determining ongoing public response to COVID-19, weigh in on the side of our constitutional rights. This is done by offering a reminder and an urging to merchants and service providers that decisions to require fellow citizens to surrender fundamental rights in exchange for access to essential good and services should be disfavored by all of us who enjoy the freedoms offered in this constitutional republic. We should be able to collectively agree that the pandemic must be defeated, but that the prices we pay in order to do that must be decided in a conscious and thoughtful way.

As drafted, this resolution does not deny any entity from "asking" private information of a citizen or even offering incentives to provide the information voluntarily. Nor does the Resolution offer direction to or impose requirements on public institutions such as schools or workplace/employee requirements. Those are matters to be addressed by the State and Federal legislative bodies, and perhaps the courts to determine. It is the belief of the sponsor that this Resolution is necessary, timely, and the concern valid as some businesses have already indicated that they will require COVID-19 vaccination by customers utilizing their service in the future.

As elected officials it is our duty to protect the rights and freedoms of the citizens we serve and this resolution is a means to affirm that charge. I urge your support.