

**Religious Liberty:**  
**Cornerstone of the Massachusetts State Constitution**

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**Part I – Religious Liberty**

**Introduction**

When addressing the topic of religious liberty, it is important to understand the historic context of such a notion in 1620 when the English settlers known as Pilgrims planted the seeds of what would become the State of Massachusetts and New England. The Pilgrims in 1620 and the Puritans in 1626 (Salem) and 1630 (Boston) came from a society in which the King (or State) was the head of the Church. They had a State Church where beliefs of the Church were often enforced by the State and thus there was little religious liberty, though the intent was to have a Christian Commonwealth. Instead, there was coercion exercised without a check or balance upon its power.

Church and State could be seen as two wings on a bird (or plane), and thus the context from which both Pilgrims and Puritans fled was like a plane flying in a circle, with the wing of the State heavily weighted down and out of balance. Throughout history, when a group flees from one extreme, they often set up the other extreme. So it was with some of the Puritan settlements, that set up a Church State, where one had to be a member of the Church before you could vote in the culture. Thus the plane now flew with the opposite wing weighted down, but still in a circle. Again, there was little religious liberty and those who had been persecuted in England now persecuted those who differed with their beliefs here in the wilderness.

It would take years for this experiment in liberty to be properly balanced so that church and state were separate institutions, but both under God as described in His Word the Scriptures. The “experiment” was more a study of what the Scriptures taught, however, and the true seeds of the proper jurisdictions of church and state were brought by a small band of exiles known as Pilgrims.

**The Pilgrims: seed of Religious Liberty**

Historians have taken note that the Pilgrims (often only a footnote in history preceding the much larger, wealthier and populous group of Puritans,) set up a unique system of church and state far ahead of their time. But first, the true motive as to why the Pilgrims came must be addressed. In my newest book in honor of the 400<sup>th</sup> anniversary of the arrival of this church plant, we chose the title *Journey of Faith*.<sup>1</sup> In this book, I highlight the fact that the true motive of the Pilgrim migration was religious; it was their faith. This dominated everything they did, for they intended on applying their faith to every area of life as their pastor, John Robinson, had taught them.

The Scripture was their authority, and thus Robinson he preached to them before the embarked that they were “*to follow him no further than he followed Christ; and if God should reveal anything to us by any other instrument of his, to be as ready to receive it, as ever we were to receive any truth by his ministry;*”

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<sup>1</sup> Jehle, Paul., *Journey of Faith*, Brentwood Christian Press, 2020 – Plymouth Rock Foundation; www.plymrock.org.

for he was very confident that the Lord had more truth and light yet to break forth out of his holy word.”<sup>2</sup> With that kind of exhortation, no wonder William Bradford, 2<sup>nd</sup> Governor and historian, noted the primary motive for this church plant was to manifest and express the Kingdom of God for the purpose of their own settlement, but more importantly, for those to follow.

*Lastly (and which was not least), a great hope and inward zeal they had of laying some good foundation, or at least to make some way thereunto, for the propagating and advancing the gospel of the kingdom of Christ in those remote parts of the world; yea, though they should be but even as stepping stones unto others for the performing of so great a work.*<sup>3</sup>



In the Rotunda of the Massachusetts State House four murals depict the foundations of the State. They depict the Pilgrims (on the deck of the *Mayflower* – shown here), Puritans (John Eliott preaching to Native Americans in Natick), Patriots (at the battle of Concord) and those that preserved the Union (with Governor Andrews receiving the battle flags).

The mural of the Pilgrims depicts them in prayer on the *Mayflower*, with an open Bible displaying Psalm 89:18 “*the Lord is our defense, and the Holy One of Israel is our King.*” As you can see below, the picture displays the primary motive of the Pilgrims coming as their faith.

Before landing, however, the Pilgrims, who had been blown off course and were no longer under the authority of their original Patent, wrote the *Mayflower Compact* in order to avoid mutiny from some. Most likely those on board thought that the extreme these believers fled from (a State Church) would be reversed and that they would probably set up a Church State. What they discovered must have amazed them, for the act of self-government enacted by these Pilgrims set up a government that exhibited the seed of religious and civil liberty, where one did not have to be a member of the church in order to vote.<sup>4</sup>

*“...Having undertaken, for the glory of God, and advancement of the Christian faith, and honor of our King and Country, a voyage to plant the first colony in the northern parts of Virginia, do by these presents solemnly and mutually, in the presence of God, and one of another, covenant and combine our selves together into a civil body politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions and offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience.”<sup>5</sup>*

### **The Colonial Church develops Religious Liberty**

<sup>2</sup> Hall, Verna, editor, *The Christian History of the Constitution of the United States of America: Christian Self-Government*, Foundation for American Christian Education, 1966, page 184.

<sup>3</sup> Bradford, William, *Of Plimoth Plantation*, edited by Samuel Eliot Morison, *Alfred P. Knopf*, 1989, page 25.

<sup>4</sup> See George D. Langdon Jr.’s *The Franchise and Political Democracy in Plymouth Colony*, *The William and Mary Quarterly*, Vol. 20, No. 4, October, 1963, pages 513-526.

<sup>5</sup> Bradford., pages 75-76.

The colonial clergy had a unique role in establishing the Commonwealth of Massachusetts. John White, called the “father of Massachusetts” was the pastor of Holy Trinity Church in Dorchester, England. He helped to write the Charter of 1629 brought to these shores by John Winthrop in 1630. He had hand in selecting Winthrop to lead the expedition of many ships and over a thousand. In this Charter he penned the mission of Massachusetts.

*Whereby our said People, Inhabitants there, may be so religiously, peaceably, and civilly governed, as their good life and conversation may win and incite the Natives of the Country, to the knowledge and obedience of the only true God and Savior of Mankind, and the Christian Faith, which is our Royal Intention, and the Adventurers of free Profession, is the principal end of this Plantation.*<sup>6</sup>

Pastor John Higginson, son of Francis Higginson, founding pastor of the church in the town of Salem who arrived in 1629, preached a sermon in 1663 where he summarized the fact that truly Massachusetts and all of New England were settled primarily with religious motives.

*Lord, thou hast been a gracious God, and exceeding good unto thy Servants, ever since we came into this wilderness, even in these earthly blessings, we live in a more plentiful & comfortable manner then ever we did expect, but these are but additions, they are but additional mercies, it was another thing and a better thing that we followed the Lord into the wilderness. My Fathers and Brethren, this is never to be forgotten, that New-England is originally a plantation of Religion, not a plantation of Trade!*<sup>7</sup>

What could have caused 13 colonies to unite in the same Biblical philosophy of resistance to tyranny by the time of the American Revolution? Why did they all have the same philosophy of interpreting Romans 13, not as a command of unquestioned servitude, but submissive resistance? What caused such unity between 13 separate colonies? How could Sam Adams’ “Rights of the Colonists” strike such a chord and immediately unite them in 1772? It was the colonial sermon.

There were 720 churches preaching the gospel in New England. The ratio of preachers to congregants was the “lowest in the Protestant world.” Over five million sermons were preached in a period of 150 years to only half a million inhabitants. The average weekly church-goer (from an early age through age 18) listened to 7,000 sermons, totaling at least 15,000 hours!<sup>8</sup> As Harry Stout summarized his research:

*“Covenant theology as it evolved over five generations of New England preaching comprised a view of history and corporate identity that could best be labeled ‘providential.’ In this view God entered into covenant with nations... (and thus) resistance became necessary the minute England declared the colonies’ duty of ‘unlimited submission’ in ‘all cases whatsoever’ and, in so doing, set itself alongside God’s Word as a competing sovereign. Such demands were ‘tyrannical’ and left New Englanders no choice but to resist unto death or forfeit their identity as a covenant people. As explained from the pulpit, New Englanders’ revolution was first and foremost a battle to preserve their historic identity and unique messianic destiny.”<sup>9</sup>*

Thus, the fabric of New England is inseparably woven by the well spring of Jewish and Christian thought and our foundations are indeed Judeo-Christian. The philosophy of government, respecting both religious

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<sup>6</sup> Charter of Massachusetts Bay Colony, 1629 - [https://avalon.law.yale.edu/17th\\_century/mass03.asp](https://avalon.law.yale.edu/17th_century/mass03.asp)

<sup>7</sup> Rev. John Higginson. *The cause of God and his people in New-England, as it was stated and discussed in a sermon preached before the Honourable General Court of the Massachusetts colony, on the 27 day of May 1663. Being the day of election at Boston.* Cambridge: Samuel Green, 1663, pp. 10-11

<sup>8</sup> Stout, Harry, *The New England Soul*, Oxford University Press, 1986, pages 3-4.

<sup>9</sup> *Ibid.*, page 7.

and civil liberty, stretched from the covenants of the Old Testament to their fulfillment in the New Testament. Though the plant of religious liberty was growing, the church was still tied to the State in ways that would inhibit full liberty of religious thought. But the Scriptures would eventually lead the clergy and people to the flowering of religious liberty in the Massachusetts State Constitution of 1780 and finally the First Amendment to the Federal Constitution in 1791.

### **The Massachusetts State Constitution of 1780**

The Royal Charter of 1692 for Massachusetts was revoked in 1775 by the nation of England. In fact, the King rejected her Colonies, severing their relationship to the nation of England, months prior to the writing of the Declaration of Independence. Without a government during the Revolution, a petition emerged in 1776 from Berkshire County to form a new constitution for the colony. The General Court (whose roots were those who had served under the former Royal government), responded by submitting, in February of 1778, a new constitution to the people and towns. But the new constitution was opposed by the Clergy, who traveled on horseback across the colony to instruct the people, and the result was that it was voted down by a 7 to 1<sup>10</sup> margin.

The Essex Result was the document that articulated why this first constitution was rejected. Probably written by Theophilus Parsons, the reasons appeared to be simple. First, it had no declaration of God-given unalienable rights. Second, it was not a covenant with God, ratified by the people. In other words, it had not been ratified like the ancient nation of Israel (Exodus 19:5-6). Third, it was not a bicameral legislature (house and senate) with separation of powers.<sup>11</sup> In summary, the constitution written by the government to protect its own powers did not resemble the Hebrew Republic of Israel before she chose a King! This analogy had been preached for decades prior to this time.

Massachusetts was one of the first States to actually call a convention specifically to ratify a new constitution. It clearly articulated both religious and civil liberty, though it would take a few more years before the state was totally separate from supporting the preaching of the gospel in Protestant Churches. We could say religion founded New England, and religious liberty sprung forth in the second Massachusetts Constitution precisely because the clergy instructed the people it should look like the Hebrew Republic of ancient Israel!

In June of 1779 a constitutional convention requiring special elections was called. Among the 30 elected delegates were three who were part of the committee to draft the document - James Bowdoin, John Adams and Sam Adams. One of the five murals in the House Chamber of the Massachusetts State House depicts these three at a table writing the document. Most likely one of those by the fireplace is their patriot Pastor

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<sup>10</sup> Brink, Robert J., *A Brief History of the Constitution of 1780 and a Narrated Timeline*, Social Law Library, <https://www.sociallaw.com/about/history>

<sup>11</sup> Parsons, Theophilus (probable author), *The Essex Result*, April 29, 1778; The Heritage Foundation, <https://www.sociallaw.com/about/history>

Samuel Cooper. After all, in his church sat John Hancock, Samuel Adams, John Adams, Joseph Warren, and James Bowdoin! He also highly influenced Benjamin Franklin! The Constitution was sent to the towns to be discussed and debated and on June 16, 1780 it was declared ratified and by October 25 it was to commence.



It was Samuel Cooper, wanted by the British, but whose teaching instructed the patriots in how to apply the Scriptures in forming a government that would respect their rights, that was chosen to preach the inaugural sermon for the commencing of the new constitution. It is important to recognize that the example of Scripture was so important, and the one through whom it had been taught was so honored, that a sermon was printed and included with the Constitution when it was sent out to the people! An excerpt of Cooper's sermon of October 25, 1780 is given here:

*The form of government originally established in the Hebrew nation by a charter from heaven, was that of a free republic, over which God himself, in peculiar favour to that people, was pleased to preside.... Even the law of Moses, though framed by God himself, was not imposed upon that people against their will; it was laid open before the whole congregation of Israel; they freely adopted it, and it became their law, not only by divine appointment, but by their own voluntary and express consent. Upon this account it is called in the sacred writings a covenant, compact, or mutual stipulation.... Such a constitution, twice established by the hand of heaven in that nation, so far as it respects civil and religious liberty in general, ought to be regarded as a solemn recognition from the Supreme Ruler himself of the rights of human nature.*

Cooper then concluded his sermon with this prayer...

*O thou Supreme Governor of the world, whose arm hath done great things for us, establish the foundations of this Commonwealth, and evermore defend it with the saving strength of thy right hand! Grant that here the divine constitutions of Jesus thy Son may ever be honoured and maintained! Grant that it may be the residence of all private and patriotic virtues, of all that enlightens and supports, all that sweetens and adorns human society, till the states and kingdoms of this world shall be swallowed up in thine own kingdom: In that, which alone is immortal, may we obtain a perfect citizenship, and enjoy in its completion, "the glorious Liberty of the Sons of God! — And let all the people say, AMEN!"<sup>12</sup>*

### **The Religious Liberty Clauses in the Massachusetts Constitution of 1780**

The first three Articles in Part the First are instructive and worth rehearsing:

*Article I - All people are born free and equal and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness. Equality under the law shall not be denied or abridged because of sex, race, color, creed or*

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<sup>12</sup> Cooper, Dr. Samuel (1725-1783), *A Sermon Preached before His Excellency John Hancock, of the Commonwealth of Massachusetts, October 25, 1780, Being the Day the Commencement of the Constitution, and Inauguration of the New Government.* - <https://www.belcherfoundation.org/samuel%20cooper%20sermon%20on%20constitution.pdf>

*national origin.* Note: based on this Article, the Supreme Judicial Court of Massachusetts ruled in 1783 that slavery was unlawful.

*Article II - It is the right as well as the duty of all men in society, publicly, and at stated seasons to worship the Supreme Being, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.*

Note: Amendment 18, adopted in 1917, Section 1 simply stated: *No law shall be passed prohibiting the free exercise of religion.*

Article III – Though the temporary financial support by taxpayer funds for churches until they could support themselves was removed of the State Christianity the source of good, republican government; in 1833 the basic truths have been left the same.

*As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality...*

*And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance...*

*Any every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.<sup>13</sup>*

Note that regardless of one's religious opinions, no one set was to dominate over another.

### **The Ratification of the United States Constitution by Massachusetts in 1788**

The Massachusetts 1780 Constitution was an inspiration for the United States 1789 Constitution and particularly the Bill of Rights ratified in 1791. When Massachusetts debated its possible ratification of the Federal Constitution, an interesting event took place February 6, 1788. Massachusetts was an anti-federalist State, expected to vote down the ratification and reject the document. This was primarily due to John Hancock and Samuel Adams, ardent believers that a Bill of Rights was needed to clearly state the roots of both religious and civil liberty.

What would cause a change from being anti-federalist to voting for ratification? When the deadlock appeared to be immovable, on February 6, 1788, Rev. Samuel Stillman, Pastor of First Baptist Church in Boston, rose to speak. He was a pioneer of religious liberty, and a delegate to both the State's ratification of its own Constitution in 1780 as well as the one to ratify the Federal Constitution.<sup>14</sup> The mural in the House Chamber appears to depict this moment.

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<sup>13</sup> The Constitution of the Commonwealth of Massachusetts, January, 2000, William Francis Galvin, Secretary, page 4.

<sup>14</sup> Interestingly, over 10% of all delegates in these days were members of the clergy.



*After all, if this Constitution was as perfect as the sacred volume is, it would not secure the liberties of the people, unless they watch their own liberties. Nothing written on paper will do this. It is therefore necessary that the people should keep a watchful, not an over-jealous, eye on their rulers; and that they should give all due encouragement to our colleges, schools of learning, &c., so that knowledge may be diffused through every part of our country. Ignorance and slavery, knowledge and freedom, are inseparably connected. While Americans remain in their present enlightened condition, and warmly attached to the cause of liberty, they cannot be enslaved. Should the general government become so lost to all sense of honor and the*

*freedom of the people, as to attempt to enslave them, they who are the descendants of a race of men who have dethroned kings, would make an American Congress tremble, strip them of their public honors, and reduce them to the lowest state of degradation.*<sup>15</sup>

### **The First Amendment to the Federal Constitution**

When the First Amendment was ratified as a part of the Bill of Rights, it protected the religious liberty of the States to conduct their affairs as they saw fit with respect to church-state relations. The original preamble to all of the first ten amendments stated *“The Conventions of a number of states, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses be added; and as extending the ground of public confidence in the government, will best insure the beneficent ends of its institutions, be it resolved... Congress shall make no law.”* Suffice it to say, the Bill of Rights is a giant STOP SIGN against Federal intervention within the States, especially when it comes to the specific rights listed.

It is important to note that religious liberty did not fully develop in Massachusetts (where the church was disestablished from the state) until the years following the ratification of the Federal Constitution and Bill of Rights. Why is this important? I will let Louis DeBoer explain it:

*“...the Constitution, the first amendment notwithstanding, did NOT establish religious liberty in the United States of America. This is not generally recognized today, and there is a pervasive myth that Americans have always had a Constitutional right to full religious liberty. Again what is important to recognize is that religious liberty or the lack thereof was left up to each State to work out for itself without any federal oversight or interference. Eventually, the States all disestablished their “state church” and adopted a position of religious liberty. But it is important to note that this took place after the ratification of the United States Constitution, and it too place voluntarily and not as a result of the Constitution, and that it took place before the fourteenth amendment came into existence.”*<sup>16</sup>

Philip Schaff, the Swiss born Protestant theologian and historian, in his classic work *Church and State in the United States*, described the relationship of church and state in America and what makes that relationship unique and distinct from Europe. He also clearly distinguished between religious toleration and religious liberty.

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<sup>15</sup> Reverend Samuel Stillman in the Massachusetts Ratification Convention Debates, 6 February, 1788; [https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/stillman\\_in\\_convention\\_debates2.06.pdf](https://csac.history.wisc.edu/wp-content/uploads/sites/281/2017/07/stillman_in_convention_debates2.06.pdf)

<sup>16</sup> DeBoer, Louis, *Lord of the Conscience*, Plymouth Rock Foundation – [www.plymrock.org](http://www.plymrock.org)

*“There is a very great difference between toleration and liberty. Toleration is a concession, which may be withdrawn; it implies a preference for the ruling form of faith and worship, and a practical disapproval of all other forms. It may be coupled with many restrictions and disabilities. We tolerate what we dislike but cannot alter; we tolerate even a nuisance, if we must... In our country we ask no toleration for religion and its free exercise, but we claim it as an inalienable right... Freedom of religion is one of the greatest gifts of God to man, without distinction of race and color. He is the author and lord of conscience, and no power on earth has a right to stand between God and the conscience.”<sup>17</sup>*

Schaff went on to describe the unique relationship of church and state in America:

*“What is the distinctive character of American Christianity in its organized and social aspect and its relation to the national life, as compared with the Christianity of Europe? It is a free church in a free state, or a self-supporting and self-governing Christianity in independent but friendly relation to the civil government... Civil liberty requires for its support religious liberty, and cannot prosper without it. Religious liberty is not an empty sound, but an orderly exercise of religious duties and enjoyment of all its privileges. It is freedom IN religion, not freedom FROM religion; as true civil liberty is freedom IN law, and not freedom FROM law...”<sup>18</sup>*

The First Amendment has been construed to mean freedom FROM religion today. A new “state church” has arisen where civil intrusion that curtails religious liberty is common. The Federal Government is seen as the one to make sure every State is secular, and each State is to make sure that all public buildings and meetings remain secular. But religious liberty was considered an unalienable right in America, and the national and state governments were to protect the rights of States, towns and the people to freely practice the religion of their choice as long as it did not attack the foundations of liberty itself – presumed to be Christianity, though not in any official way according to law.

## **Part II - Why Required Vaccines violate Religious Liberty**

When Cotton Mather, a leading theologian and historian in Massachusetts, first proposed a smallpox vaccine in 1721, he was hailed a hero. However, when he suggested that it be required, he was opposed by clergy and the people alike. After the Constitution and Bill of Rights had been ratified, several Boston clergymen and physicians formed a society that opposed vaccination in 1798. Whenever the fallacy of *those who do not get vaccinated endanger the community* has been espoused, it has brought opposition from the church and others concerned with their religious and civil liberties. Removing exemptions, whether religious or medical, endangers the individual, and this in turn will endanger the community. Christianity, however, always moves from the individual to the group.

Massachusetts became the first state to require vaccination of children in 1855. In the *Jacobsen* case of 1897, decided by the Supreme Court in 1905, allowed the MA requirement of a smallpox vaccine on the books, though its punishment of a \$5 fine was usually seen as the “cost” of opposition and many took that option. Recently, Chief Justice Roberts ruled against the freedom of churches to meet in California, restricting them to only 50 people, though other businesses such as casino’s, can open at 50% capacity. The reasoning of Justice Alito in his dissent of the Nevada church’s religious liberty appeals parallels the concerns of losing religious liberty in any area, including required vaccines.

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<sup>17</sup> Schaff, Philip, *Church and State in the United States*, 1888, as quoted in *The Christian History of the Constitution of the United States of America: Christian Self-Government with Union*, Foundation for American Christian Education, 1979, p. 39.

<sup>18</sup> *Ibid.*, page 40.



*The Constitution guarantees the free exercise of religion. It says nothing about the freedom to play craps or blackjack, to feed tokens into a slot machine, or to engage in any other game of chance.... a public health emergency does not give Governors and other public officials carte blanche to disregard the Constitution for as long as the medical problem persists.<sup>19</sup>*

Today more and more groups are opposing required vaccination for a number of reasons. Muslims oppose it because they often include pig extracts. Christians and Catholics oppose it often because aborted fetal parts are used in the vaccine. Alternative medical practices such as chiropractic, homeopathy have consistently opposed it for health reasons. Those who have compromised immune systems, or have been harmed by getting vaccines, also oppose these requirements. Today, 45 States respect religious liberty in these areas, but five States (Mississippi, California, West Virginia, Maine and New York) have removed them – some removing both medical and religious; but will Massachusetts be the sixth State added due to these present Bills S2763 and H4784?

Once again, the churches must rise up to demand that the religious and medical exemptions remain and discrimination based on religion and medical conditions be respected. Church should do the following::

1. Encourage voter registration and provide the forms for as it says in our State Constitution:  
*Art. VII - Government is instituted for the Common good, for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family or Class of men; Therefore the people alone have an incontestable, unalienable, and indefeasible right to institute government, and to reform, alter, or totally change the same, when their protection, safety, and happiness require it<sup>20</sup>*

2. Encourage everyone to vote – less than half of the evangelical community is even registered, and less than a third of those actually vote!  
*Art. VIII - In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life, and to fill up vacant places by certain and regular elections and appointments<sup>21</sup>*

3. Publish voting records and educate people on who their candidates are and what they may stand for!  
*Art. XVIII – A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their Officers and Representatives; and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.<sup>22</sup>*

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<sup>19</sup> [https://www.supremecourt.gov/opinions/19pdf/19a1070\\_0811.pdf](https://www.supremecourt.gov/opinions/19pdf/19a1070_0811.pdf)

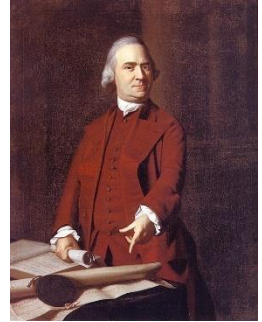
<sup>20</sup> The Constitution of the Commonwealth of Massachusetts, January, 2000, William Francis Galvin, Secretary, page 6.

<sup>21</sup> *Ibid.*, page 6.

<sup>22</sup> *Ibid.*, page 8.

I pray you can join Samuel Adams, father of the American Revolution, and Governor of Massachusetts, who in 1795, at 73 years of age, sent out the following prayer during one of his Proclamations for a day of humiliation, fasting and prayer:

*And as it is our duty to extend our wishes to the happiness of the great family of man, I conceive we cannot better express ourselves than by humbly supplicating the Supreme Ruler of the world that the rod of tyrants may be broken into pieces, and the oppressed made free; that war may cease in all the earth, and that the confusions that are and have been among the nations may be overruled by the promoting and speedily bringing on that holy and happy period when the kingdoms of our Lord and Savior Jesus Christ may be everywhere established, and the people willingly bow to the sceptre of Him, who is the Prince of Peace!*<sup>23</sup>



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<sup>23</sup> Adams, Samuel, Proclamation for a Day of Fasting and Prayer, March 20, 1797.

<http://www.foundingfatherquotes.com/quote/571>

## VACCINATION AND VACCINE EXEMPTIONS IN MASSACHUSETTS

### **No Vaccination or Exemption Emergency:**

- Massachusetts has the highest vaccination rates in the country, and DPH continues to work to bolster these rates.
- Religious exemption rates are low at 1.15%, and have been steady in recent years.
- There is no correlation between religious exemptions and MMR vaccination rates in Massachusetts. In fact, kindergarten MMR rates continue to increase and are at all-time highs. 7<sup>th</sup> grade rates have been steady and approach 99%. Under-vaccinated pockets in schools have decreased by more than half in recent years.
- The data simply do not support the claim that restricting or eliminating exemptions will have a significant impact on vaccination rates in the Commonwealth—there have been zero cases of measles among the Massachusetts K-12 population in the past five years, and three in the past decade.

### **Under-vaccinated pockets in schools are NOT driven by exemptions:**

- DPH identifies as “gap” populations students with no record of immunization OR exemption.
- This “gap” population is the main driver of under-vaccinated pockets in the Commonwealth.
- The top 10 schools with the lowest MMR rates have ZERO exemptions on file.

### **Vulnerable Sub-Populations Need Greater Access to Medical Exemptions:**

- Those at increased risk of adverse events are understudied and there are gaps in the data with regard to certain potential side effects.
- Massachusetts should be a leader in personalized medicine and identifying children most susceptible to adverse reactions.

## HOW TO ADDRESS UNDER-VACCINATION AND INCREASE VACCINE CONFIDENCE

Rather than removing or restricting exemptions, the legislature should focus on increasing vaccination rates in the “gap” population and vaccine confidence through: (1) **MONITORING** by DPH to ensure accurate data on vaccination and exemption rates, (2) **EDUCATING** families with under-vaccinated children, (3) **INCREASING ACCESS** to vaccines, and (4) **INNOVATING** vaccine science through careful monitoring of adverse events and efforts to identify subpopulations vulnerable to injury.

### **Monitoring:**

- Standardize exemption paperwork for submission to schools and train non-reporting schools on the Massachusetts Immunization Information System or consider user experience enhancements to increase data collection.
- Empower DPH to mandate reporting of vaccination and exemption rates in K-12 schools in its expert discretion.

### **Education:**

- Empower DPH to produce educational materials to advance evidence-based education on the benefits of vaccination.
- Empower DPH to provide targeted education to under-vaccinated “gap” populations.

### **Increasing Access:**

- Empower DPH to provide or promote community-based vaccine clinics for consenting families.

### **Innovation:**

- Promoting scientific studies on identifying children most susceptible to adverse reactions.
- Mandating reporting of adverse events that are or may be associated with vaccination and careful monitoring of patients for illness and medical events within 30 days after vaccine administration.