

Federal Court Blocks Biden Vaccine Mandate, Protects Health Care Workers in 10 States

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A federal court has handed the Biden vaccine mandate another loss.

In response to a multi-state lawsuit led by Missouri, a federal court barred the Biden administration from enforcing a vaccine mandate for health care workers in 10 states who are employed at federally-funded health care clinics. That means they doctors and nurses can't be fired for refusing the COVID vaccine despite Biden's federal mandate requiring them to get it.

The US District Court for the Eastern District of Missouri issued a preliminary injunction on the Biden mandate, which required health-care workers to be vaccinated by January 4, 2022. Judge Matthew Schelp issued the preliminary injunction for workers at Medicare- and Medicare-certified medical facilities in Alaska, Arkansas, Iowa, Kansas, Missouri, New Hampshire, Nebraska, Wyoming, and North and South Dakota.

As federal Judge Matthew Schelp wrote:

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“The mandate requires nearly every employee, volunteer, and third-party contractor working at fifteen categories of healthcare facilities to be vaccinated against SARS-CoV-2 (“COVID”) and to have received at least a first dose of the vaccine prior to December 6, 2021,” court documents show. “Congress did not grant CMS authority to mandate the vaccine. Plaintiffs are likely to succeed in their argument that Congress has not provided CMS the authority to enact the regulation at issue here.”

“Given the vast economic and political significance of this vaccine mandate, only a clear authorization from Congress would empower CMS to act,” the ruling states. “Because this mandate significantly alters the balance between federal and state power, only a clear authorization from Congress would empower CMS. In the absence of a clear indication that Congress intended for CMS to invoke such significant authority, the Court will not infer congressional intent.”

Further, Schelp made the argument that a shortage of healthcare workers caused by the vaccine mandate is far more damaging than unvaccinated workers continuing to see patients.

“According to CMS, the effectiveness of the vaccine to prevent disease transmission by those vaccinated is not currently known, what is known based on the evidence before the Court is that the mandate will have a crippling effect on a significant number of healthcare facilities in Plaintiffs’ states, especially in rural areas, services (resulting in no medical care at all in some instances), and jeopardize the lives of numerous vulnerable citizens. The prevalent, tangible, and irremediable impact of the mandate tips the balance of equities in favor of a preliminary injunction,” Schelp wrote.

These are 10 states that were part of one of the lawsuits as many as 27 states filed against the mandate. They claimed that the vaccine mandate was unconstitutional.

Biden directed OSHA to make a new “workplace safety” rule: any employer with 100 or more employees must require those employees to be vaccinated or submit to weekly testing. Private and religious employers failing to comply could be subject to crippling fines. Eighty million Americans could be affected.

With many Christian employers and employees not wanting to get the vaccine for religious reasons and with pro-life Americans having concerns about the various vaccines and their ties to cells from aborted babies, many Christian groups like Alliance Defending Freedom have also filed lawsuits against the mandate.

Michael Farris, the president of ADF, told LifeNews, “Americans may have many different opinions about COVID-19 vaccines, but every American should agree that the Biden administration’s threatened mandate is a vast and unlawful executive power grab.”

“If politicians and bureaucrats are allowed to brazenly ignore the constitutional limits on their power whenever they please, we no longer live in a free society,” he said. “Under the Constitution and federal law, OSHA does not have the power to issue such a sweeping mandate for private and religious employers.”

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Farris promised, "if the mandate does what President Biden promises, Alliance Defending Freedom will sue the administration."

Farris noted how many pro-life Americans have qualms with the vaccines.

"Many people of good faith have chosen to be vaccinated. Others have refrained for reasons of conscience or personal health reasons," he said, adding that government overreach is a huge problem.

"If allowed to stand, government officials will be emboldened—and have the precedent—to reach for more. And the freedoms that ADF and people like you work together to protect—free speech, religious freedom, and more—will be further jeopardized by an overreaching federal government," he said.

"We will stand up and fight this. We will file suit to challenge this blatant abuse of power," Farris promised.

Farris explained that the mandate will hurt churches and Christian groups.

"It doesn't matter where you stand on vaccines. The government threatens our liberty whenever it unilaterally invents and aggressively enforces new mandates and powers in violation of the Constitution. Vaccinated or not, government overreach hurts all of us," he continued. "It's not the federal government's job to force private employers and churches to choose between complying with the mandate or terminating their employees. To do so will hurt businesses, churches, ministries, and families."

He concluded, "Challenging the federal government in court is costly. But more costly is standing by and doing nothing while that same government abuses its power."

Missouri v. Biden, E.D. Mo., No. 4:21-cv-01329, 11/29/21, is the case.

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