



Written by [Bob Adelman](#) on November 3, 2021

Alabama Latest State to File Lawsuit Against Biden Vaccine Mandates

[The lawsuit filed by Alabama Attorney General Steve Marshall](#) on Tuesday is just the latest in an increasing number of efforts to restrain the federal government over its COVID vaccine mandates. Marshall said the mandates are “flagrantly unconstitutional” and represent “contemptible infringements on individual liberty, federalism, and the separation of powers.”

Nowhere among the few enumerated powers given to the federal government in Article I, Section Eight of the U.S. Constitution is found anything that gives the government the power to issue or enforce such mandates. The founders made sure that, if not enumerated, such powers are reserved “to the states respectively, or to the people.” (See 10th Amendment).

Marshall is ready to file another lawsuit if Biden issues a “private sector” mandate.

The flurry of recent efforts to restrain the federal government began on October 25 when Alabama Governor Kay Ivey signed an executive order demanding that her state’s agencies do not comply with the federal mandates. The language was clear:

Effective immediately, no agency, department, board, commission, or other entity within the executive branch of state government shall ... seek to impose a penalty on any business or individual for noncompliance.

Ivey was defiant, writing:

The federal government’s outrageous overreach has simply given us no other option, but to begin taking action, which is why I am issuing this executive order to fight these egregious COVID-19 vaccine mandates.

Alabamians — and Americans alike — should and must have the choice to roll up their sleeves to get this shot and certainly not forced by government....

I am adamantly opposed to federal mandates related to the COVID-19 vaccine and adamantly opposed to state mandates related to the COVID-19 vaccine, plain and simple.

As long as I am your governor, the state of Alabama will not force anyone to take a COVID-19 vaccine.



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On October 28, Missouri Governor Mike Parsons signed an executive order with similar purposes. Said Parsons:

When President Biden announced his initial plans to force unconstitutional vaccine mandates, we immediately began aligning state resources for legal action. While we hoped the Biden Administration would recognize these mandates as the abuse of authority that they are, they have not, and we must now use every tool we have available to fight this federal intrusion.

He defended the Constitution:

The Constitution and its historical interpretations clearly leave public health decisions to the states. The federal government has no authority to issue COVID-19 vaccine mandates. The Biden Administration acting alone to dictate and mandate health requirements represents the kind of federal power grab the founding fathers warned us against.

On October 29, [10 states filed a lawsuit jointly](#) against the mandates:

We [the States of Missouri, Nebraska, Alaska, Arkansas, Iowa, Montana, New Hampshire, North Dakota, South Dakota, and Wyoming] bring this action to challenge [the Biden administration's] use of federal procurement statutes to create sweeping new power to issue decrees over large swaths of the U.S. economy and take over areas of traditional state power.

The 10 plaintiffs relied on the separation of powers built into the Constitution to prevent such overreach:

Through Executive Order 14042, President Biden has arrogated to the Executive Branch the unilateral power to mandate that all employees of federal contractors be vaccinated.

This power grab is sweeping in its scope. Employees of federal contractors constitute one-fifth of the total U.S. workforce. And the mandate goes so far as to demand vaccination even from employees who work entirely within their own home.

That is unconstitutional, unlawful, and unwise.

Some applaud the Founders with uncommon foresight in crafting the Constitution in such a way as to limit the powers of the federal government. On the contrary, they knew the nature of man. As British historian Lord Acton famously said, "All power tends to corrupt; absolute power corrupts absolutely."

Ben Moreell, an author at the Acton Institute, wrote in 2010 of what citizens in 2021 are now seeing flowering in Washington, D.C.:

The more restrictions and compulsions [a governor, a president, a czar] imposes on other persons, the greater the strain on his own morality. As his appetite for using force against people increases, he tends increasingly to surround himself with advisers who also seem to derive a peculiar pleasure from forcing others to obey their decrees....



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If the benevolent ruler stays in power long enough, he eventually concludes that power and wisdom are the same thing. And as he possesses power, he must also possess wisdom.

He becomes converted to the seductive thesis that election to public office endows [him] with both power and wisdom. At this point, he begins to lose his ability to distinguish between what is morally right and what is politically expedient.





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