



Written by [Veronika Kyrylenko](#) on January 24, 2022

Court Blocks Biden's Vax Mandate for Federal Workers

The Biden administration has suffered another legal setback to its efforts to coerce Americans into getting vaccinated against COVID — this time with a federal court blocking vaccine mandates for federal employees.

This past Friday, U.S. District Court Judge Jeffrey Vincent Brown in Texas [ruled](#) that President Biden overstepped his authority by ordering federal workers to get vaccinated in order to retain their employment, and issued a preliminary injunction on the mandate.



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In a 20-page ruling, Brown wrote that the case was about “whether the President can, with the stroke of a pen and without the input of Congress, require millions of federal employees to undergo a medical procedure as a condition of their employment. That, under the current state of the law as just recently expressed by the Supreme Court, is a bridge too far.”

Brown further argued that the plaintiffs will likely prevail at trial. He issued a nationwide injunction, meaning the White House is now barred from enforcing its diktat anywhere in the United States.

“Regardless of what the conventional wisdom may be concerning vaccination, no legal remedy adequately protects the liberty interests of employees who must choose between violating a mandate of doubtful validity or consenting to an unwanted medical procedure that cannot be undone,” the judge wrote.

Brown noted that the plaintiffs demonstrated they would suffer irreparable damage if the mandate were not blocked: “When an unlawful order bars those employees from significant employment opportunities in their chosen profession, the harm becomes irreparable.”

In his ruling, Brown on several occasions cited the Supreme Court’s recent [decision](#) to overturn the Occupational Safety and Health Administration (OSHA) vaccine-or-test mandate for private companies that employ 100 or more people.

For example, Brown’s ruling echoes the SCOTUS ruling that COVID vaccination is not a “workplace conduct” or “employment regulation,” but rather a “broad public health measure.” Therefore, the government has no authority to mandate a measure that is not workplace-related.

Also, “the Supreme Court specifically held that COVID-19 is *not* a workplace risk, but rather a ‘universal risk’ that is ‘no different from the day-to-day dangers that all face from crime, air pollution, or any number of communicable diseases’,” Brown stressed.

The ruling maintained that while the president issued the mandate ostensibly in a bid to stop the spread of COVID-19, the “overwhelming majority” of federal employees are already vaccinated.

Brown concluded that “any harm to the public interest by allowing federal employees to remain unvaccinated must be balanced against the harm sure to come by terminating unvaccinated workers



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who provide vital services to the nation,” the ruling reads, adding, “stopping the spread of COVID-19 will not be achieved by overbroad policies like the federal-worker mandate.”

The Justice Department immediately vowed to appeal the decision to the U.S. Court of Appeals for the Fifth Circuit, meaning the case will likely make it all the way up to the Supreme Court.

Asked about Brown’s ruling later on Friday, White House Press Secretary Jen Psaki [noted](#) that a “remarkable” 98 percent of federal workers are already “in compliance” with the president’s mandate. “We are confident in our legal authority here,” Psaki added.

According to [Government Executive](#), the Biden administration confirmed Monday it would comply with the court’s decision, and will not fire or otherwise punish some 40,000 of the unvaccinated federal workers — for now.

The outlet adds that more than 100,000 federal workers filed for religious and medical exemptions, which are still being processed. That work will be put on hold until the case is fully settled.

The suit was filed by the organization called [Feds for Medical Freedom](#), which claims more than 6,000 members. Their website reads that the workers “are asking their government and their employer to give them more consideration than to fire them from their jobs after years of dedicated service because of their health conditions or medically informed decisions.”

Gene Hamilton, the group’s general counsel, [warned](#) that “if the government moves forward with firing these people, there are going to be significant impacts and repercussions for national security and government operations.”

While the administration denied that any such thing would happen, it actually [paused](#) the implementation of the mandate back in November and extended a self-imposed compliance deadline for those workers who refused the shot.

President Biden issued a series of executive orders mandating all federal employees, large employees, federal contractors, and healthcare workers employed at Medicare- and Medicaid-affiliated facilities to get fully vaccinated against COVID. In regard to federal workers, Biden [said](#) back then, “It’s simple: If you want to work for the federal government, you must be vaccinated.” He also [maintained](#) that the purpose of his sweeping mandates was to “protect vaccinated against the unvaccinated.”

In November, a federal district court in Georgia [halted enforcement](#) of President Biden’s mandate for millions of federal contractors to get vaccinated against COVID, arguing that the president exceeded his power in issuing such an order.

Earlier in January, the nation’s highest court overturned the OSHA mandate while [siding](#) with the administration on the Centers for Medicare and Medical Services (CMS) requirement for healthcare workers at facilities that receive federal funds.



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