



Written by [Veronika Kyrylenko](#) on April 20, 2022

## DOJ to Appeal Travel Mask-mandate Ruling Pending CDC Decision on Necessity of Masks

In response to a federal judge striking down the federal mask mandate on public transportation and in hubs on Monday, the Department of Justice (DOJ) announced it “believed” that the Centers for Disease Control and Prevention (CDC) did not overstep its authority when ordering all Americans to wear masks when traveling. The DOJ said that it would appeal the ruling if the CDC determined the mandate “remains necessary for public health.”

In a [press release](#) on Tuesday, the department said,



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The Department of Justice and the Centers for Disease Control and Prevention (CDC) disagree with the district court’s decision and will appeal, subject to CDC’s conclusion that the order remains necessary for public health. The Department continues to believe that the order requiring masking in the transportation corridor is a valid exercise of the authority Congress has given CDC to protect the public health. That is an important authority the Department will continue to work to preserve.

The DOJ also reminded the public that [the CDC said](#) last week that it needed until May 3 to “assess current public health conditions” related to the spread of the omicron variant, especially the BA.2 subvariant that at that time made up more than 85 percent of U.S. Covid cases. Until then, the Transportation Security Administration (TSA) would continue to enforce the CDC’s diktat and make sure travelers older than two wear their masks at all times.

Once the CDC confirmed it was still necessary to wear a mask when traveling, the DOJ said it was on a low start to file the appeal. Because the DOJ is not immediately seeking a stay of the ruling, the mandate will go unenforced.

The CDC has not posted any announcements on the matter. According to media reports, it might take from days to weeks for the CDC to issue an assessment.

The travel masking order, previously due to expire after April 18, has been strictly enforced even as localities and [the CDC itself](#) have eased their requirements and recommendations related to masks. All statewide mask mandates [had been lifted](#) as of late March.

As reported by [The New American](#), Judge Kathryn Kimball Mizelle of the Middle District of Florida ruled on Monday that the CDC overstepped its authority granted to it by the U.S. Congress and did not justify its mask mandate for public transportation systems.

[The TSA](#) and [the CDC](#) officially confirmed they will comply with the decision and will not be enforcing their mask requirement, although both federal bodies stressed the health advice remains the same:



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“wear the mask.”

Major carriers, who have long seen Covid-related restrictions as a business hurdle, promptly announced that they were stopping enforcement of the mandate.

As reported by [Fox Business](#), major transportation companies such as United, Southwest, and Delta airlines, as well as Uber, Lyft, and Amtrak, said they are no longer asking their customers and staff to wear masks. All of the companies’ statements underlined that the customers and employees are welcome to wear masks if they choose to.

The airports were split on whether or not to enforce the mask mandate, and while some decided to keep the requirement, many lifted it, per [The Wall Street Journal](#). The Port Authority of New York and New Jersey, which oversees the area’s airports, said that masks are still required at New York’s JFK and LaGuardia airports. [Philadelphia](#), which brought the indoor mask mandate back last week, is keeping the travel mask mandate in place as well.

The [New York Post](#) added that major airlines and airports in Dallas, Atlanta, Los Angeles, Salt Lake City, and New Jersey have switched to a mask-optional policy. Cities including Atlanta, Boston, Kansas City, and Washington, D.C., have done the same on mass transit.

The White House on Tuesday called the court ruling “disappointing.”

When boarding Air Force One Wednesday morning, President Joe Biden, [explicitly said](#) that whether or not people wear masks on planes is “up to them.”

Onboard the presidential plane, however, Press Secretary Jen Psaki did not seem as tolerant as her boss, and [defended](#) the latest 15-day extension by the CDC as “entirely reasonable based on the latest science.”

“Public health decisions shouldn’t be made by the courts,” she added. “They should be made by public health experts.”

When asked about numerous video clips showing airline passengers and workers celebrating the removal of the mask mandate, and if Psaki felt that the administration was not understanding the public’s being tired of the Covid restrictions, Psaki responded: “Anecdotes are not data.”

The scientific data that Psaki claims is the only beacon the administration follows in its decision-making is clear: the masks don’t work.

Multiple studies ([here](#) and [here](#)) suggest that mask use makes little to no difference in Covid transmission.

The Mises Institute, which tracks the trends between mask usage and death/hospitalization rates based on official CDC data, [found](#) that the 10 states with the highest rate of mask usage have been doing *worse* in both Covid cases and death rates than the 10 states with the lowest rate of mask usage.

However, the study on mask effectiveness that the CDC cites as justifying the mask recommendation has been [widely criticized](#) by non-establishment scientists as methodologically flawed.



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