



Written by [James Murphy](#) on December 20, 2021

## Federal Appeals Court Revives Biden Vaccine Mandate; Supreme Court May Intervene

On Friday, the Sixth Circuit Court of Appeals in Cincinnati reinstated President Joe Biden's executive order stating that workers at businesses with over 100 employees must be vaccinated with the experimental COVID-19 vaccines or face severe fines and other potential punishment from the federal government. Opponents who call the mandate "unconstitutional" are expected to ask the U.S. Supreme Court to rule on the subject.



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On December 7, U.S. District Court Judge Stan Baker of the Southern District of Georgia issued a preliminary nationwide injunction against Biden's executive order mandating vaccines for private businesses.

In November, the U.S. District Court for the Eastern District of Kentucky also issued an injunction against the mandate being applied, but only in the states of Kentucky, Ohio, and Tennessee.

The court's opinion concluded that it was inappropriate to question Biden's order or the Occupational Safety and Health Administration's (OSHA) authority in governing the matter.

"It is difficult to imagine what more OSHA could do or rely on to justify its finding that workers face a grave danger in the workplace," the opinion stated. "It is not appropriate to second-guess that agency determination considering the substantial evidence, including many peer-reviewed scientific studies, on which it relied."

The judges in Cincinnati were not unanimous, reaching a 2-1 decision.

"Given OSHA's clear and exercised authority to regulate viruses, OSHA necessarily has the authority to regulate infectious diseases that are not unique to the workplace," Judge Julia Smith Gibbons — a George W. Bush appointee — wrote in the majority opinion.

"Vaccination and medical examinations are both tools that OSHA historically employed to contain illness in the workplace," Gibbons also wrote.

Gibbons was joined in the majority opinion by Judge Jane Branstetter Stranch, an appointee of Barack Obama.

Dissenting in the opinion was Judge Joan Larsen — a Trump appointee — who argued that Congress has never authorized OSHA to make this type of rule and further argued that vaccinated employees "do not face 'grave danger' from working with those who are not vaccinated."

Many state attorneys general have already vowed to fight what they are calling an "illegal" mandate. Dozens of states have already announced that they will fight federal vaccine mandates.



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South Carolina Attorney General Alan Wilson tweeted that he was confident that what he called the “illegal mandate” could ultimately be overturned.

Arkansas Attorney General Leslie Rutledge has already announced that she would be asking the Supreme Court to block the Biden mandate.

“The Sixth Circuit’s decision is extremely disappointing for Arkansans because it will force them to get the shot or lose their jobs,” Rutledge said.

Many businesses are also against the tyrannical mandate, arguing that it risks making an already-tight labor market even tighter with the possibility that people will simply quit a job rather than take a vaccine that they don’t believe in or don’t trust.

“The resulting labor upheaval will devastate already fragile supply chains and labor markets at the peak holiday season,” reads a petition to halt the vaccine mandate from one group of businesses.

Originally, the mandate was supposed to take full effect on January 4, 2022. The recent court activity has made it unclear when it might actually take effect.

Even the Democrat-controlled U.S. Senate voted [to overturn](#) Biden’s vaccine mandate on December 8. In yet another embarrassment for the Biden administration, Democrat Senators Joe Manchin of West Virginia and Jon Tester of Montana voted with all of the GOP senators to do away with the vaccination requirement.

“I have long said we should incentivize, not penalize, private employers whose responsibility it is to protect their employees from Covid-19,” Manchin said in a statement.

Tester claimed he “repeatedly heard concerns from Montana’s small business and community leaders about the negative effect the private business vaccine mandate will have on their bottom lines and our state’s economy.”

If enacted, Biden’s vaccine mandate will affect over 80 million American workers. Should the courts ultimately allow the mandate to be implemented as written, employers who refuse to comply could face fines starting at \$14,000 per violation.

The Biden administration initially announced the [mandate](#) in September, claiming that it would “decrease the spread of COVID-19,” reduce worker absences, reduce labor costs, and increase “the efficiency of contractors and subcontractors at sites where they are performing work for the Federal Government.”

Offering these experimental vaccines for citizens who have bought into the COVID-19 fearmongering is one thing. Mandating them at the threat of losing one’s employment is another thing altogether.

Hopefully, the Supreme Court sees Biden’s vaccine mandate for what it is — an authoritarian attempt at making citizens submit to an unreasonable dictate.



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