



Written by [James Murphy](#) on January 10, 2022

## Hutchinson Urges Arkansas Businesses Not to Comply as Supreme Court Mulls Vaccine Mandate

On Sunday, Republican Governor Asa Hutchinson of Arkansas prompted large businesses in his state to not comply with what he called the “oppressive” vaccine mandate for businesses with more than 100 employees. On CNN, Hutchinson urged businesses to wait until the Supreme Court makes a determination on the legality of the Biden administration’s vaccine mandate.

Arkansas is one of a number of states currently suing over the Biden administration’s mandate that each employee in businesses with more than 100 workers receive one of the experimental COVID-19 vaccines or get frequently tested for the virus.



Gov. Asa Hutchinson (AP Images)

On Friday, the Supreme Court began listening to arguments both for and against the mandate, which is being administered by the Occupational Safety and Health Administration (OSHA).

The mandate is scheduled to go into effect today, Monday, January 10. When asked specifically by CNN’s Jake Tapper if businesses in his state should comply with the mandate, Hutchinson answered plainly, “No. They should wait until they get the Supreme Court decision, and of course that’s an individual business decision.”

Hutchinson said that any vaccine mandate should be made by the individual business — not the federal government. “That’s an individual business decision. Our employers in Arkansas, some make the decision that they ought to have a vaccine requirement in the workplace, and I support their ability to make that decision. There shouldn’t be a ban against that.”

Hutchinson continued: “But others make the decision that it’s not necessary. Maybe they work in a more open environment — or they have a risk of losing too many employees. And, so, they have that freedom.”

“But this mandate of OSHA, the federal government, needs to be struck down, and that’s why we’re fighting against it, and I expect the Supreme Court hopefully to rule against the Biden administration on that oppressive vaccine mandate.”

In the past, Hutchinson has argued that a mandate is the wrong approach if the goal is to get more people vaccinated, saying that a mandate “hardens the resistance” to getting a vaccine.

In September, Hutchinson claimed that the mandate was “an unprecedented assumption of federal mandate authority,” and added “it increases the division in terms of vaccination when we should all be together trying to increase the vaccination uptake.”

The Biden administration’s vaccine mandate is facing a steep hill to climb against the conservative



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majority on the Supreme Court. On Friday, members of the [court asked](#) repeated and pointed questions related to the authority under which Biden and OSHA can mandate vaccinations that may affect workers personal lives outside of the work environment.

A big issue for the states regarding the vaccine mandate is that a large worker shortage may result from thousands (perhaps millions) of employees deciding to quit rather than be forced to take a shot that they object to, or be intrusively and constantly tested for coronavirus.

Speaking for the states, attorney Jesus Osete raised the concern that the mandate will cause staff shortages — particularly in the healthcare industry in rural areas.

“The Secretary overlooked the critical perspective of rural healthcare facilities in the states and the devastating consequences the mandate will have on rural Americans’ access to healthcare,” Osete pointed out. “Categorically excluding an entire class from employment will mean that patients in rural Nebraska will have to seek primary and emergency care two to three hours away and cannot undergo surgery.”

Speaking for the government, attorney Brian Fletcher addressed that concern:

“[T]he Secretary (Xavier Becerra) carefully considered that concern. He explained that experience from around the country shows that most workers actually will choose to be vaccinated rather than to leave their jobs in response to vaccination requirements,” Fletcher explained. “And he concluded that the risk of some temporary staffing shortages is outweighed by the urgent need to protect all Medicare and Medicaid patients during a deadly pandemic.”

It shouldn’t be — and cannot be — within the HHS Secretary’s purview (or the president’s purview) to decide staffing levels for individual businesses in the United States of America. And that’s exactly what they’re doing by mandating the experimental COVID-19 vaccines for every single worker in a business with over 100 employees.

SCOTUS must stand up against this authoritarian power grab. If not, it is then up to the states to exercise their proper power of nullification to declare the court’s, and the executive’s, unconstitutional overreach null and void within their state borders.

Governor Hutchinson is correct. A big part in pushing back against authoritarianism begins by saying “no” to unreasonable and unlawful government dictates. And this mandate is a prime example of such a dictate.



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