

# Lawmakers Line Up to Urge Supreme Court to Toss Out Biden's Unconstitutional COVID-19 Vaccine Mandate

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*Dozens of lawmakers have signed onto an amicus brief urging the U.S. Supreme Court to toss out **Joe Biden's** unconstitutional COVID-19 vaccine mandates for federal workers, contractors and many private businesses.*

As reported by LifeSite News, 183 lawmakers have signed the “friend of the court” brief urging the justices to toss the mandates, which were issued through the Occupational Safety and Health Administration (OSHA) in November.

“[OSHA] was never meant to be the health police,” the lawmakers wrote, [according to the outlet](#). “Moreover, mandatory vaccinations do not stop individuals from contracting and transmitting COVID-19.

“Vaccinated workers can still contract and transmit COVID-19, including the new Omicron variant. Given that fact, imposing masking and testing restrictions only on unvaccinated workers makes no sense because all workers regardless of vaccination status remain potential carriers and transmitters of the virus,” the lawmakers added.

The letter came ahead of oral arguments before the high court this week in a case brought by Ohio and the National Federation of Small Businesses, both of which are suing over OSHA's mandate for companies with 100 or more employees requiring workers to either be vaccinated or submit to weekly testing.

In addition, the justices heard arguments in a case pushing back on the federal mandate for healthcare workers who work at facilities that receive Medicare and Medicaid funding.

“Congressional members have an interest in the powers they delegate to agencies not being abused,” the lawmakers noted in the brief. “The legislative authority vested in the federal government belongs to Congress, not the Executive branch. In this case, the

promulgation by the Occupational Health and Safety Administration (OSHA) of a sweeping, nationwide vaccine mandate on businesses intrudes into an area of legislative concern far beyond the authority of the agency.”

The letter also cites the Biden regime for exploiting OSHA’s seldom-used “emergency temporary standard” provision to issue the mandates, saying it falsely creates a guise of legality and adding that OSHA has never had such authority and none has been delegated to the agency, implicitly or explicitly, by the Legislative Branch.

“In short, there is no mouse hole in which Congress could have even tried to hide the elephant of the ETS mandate here,” they wrote.

In addition, the lawmakers said that there are serious, legitimate concerns with the efficacy of the various vaccines, but that [even if they were more reliable and effective](#), mandates and such have historically rested with states, not the federal government, and certainly not the Executive Branch.

“Without clear congressional authority in the regulatory scheme for such an expansion of agency authority into the realm of state police powers, it may not be assumed to exist,” they wrote.

“Moreover, the sudden ‘discovery’ of authority under the OSHA Act confirms that it was never intended to displace state authority in this area,” the lawmakers added.

During oral arguments this week, two of the court’s liberals made some false assumptions regarding the virus and vaccines, [as The Federalist reported](#):

Justice Elena Kagan suggested that getting the vaccine reduces the spread of COVID-19, a dubious claim that’s contested by the rapidly rising number of breakthrough cases worldwide. Kagan’s opinion is that “this is the policy that is most geared to stopping all this.”

“There’s nothing else that will perform that function better than incentivizing people strongly to vaccinate themselves. So, you know, whatever necessary means, whatever grave means, why isn’t this necessary and grave?” she asked.

“We do not contest that COVID is a grave danger,” National Federation of Independent Business attorney Scott Keller responded. “But when the power for it to be necessary... an agency has to consider and explain alternatives.”

**Justice Stephen Breyer** also appeared to suggest that [being vaccinated would stop the spread of the virus](#), claiming the argument that more people would leave the workforce due to the mandates was invalid because “more may quit when they discover they have to work together with unvaccinated others because that means they may get the disease.”

Sotomayor also falsely claimed that “hospitals are almost all full capacity,” adding that more than 100,000 children are hospitalized with COVID and on ventilators.

“The current national pediatric COVID census per HHS is 3,342. Many/most incidental,” American Commitment chair Phil Kerpen noted in response.

This is just absolutely astonishing. "100,000 children in serious condition," per Sotomayor. Where do these people obtain their misinformation? The current national pediatric COVID census per HHS is 3,342. Many/most incidental.

— Phil Kerpen (@kerpen) [January 7, 2022](#)

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