

“It Raises Serious Constitutional Concerns” - Appeals Court Re-Affirms Stay on Biden Vaccine Mandate

By [Zero Hedge](#)

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One wouldn’t know it by scanning the front pages of say WaPo, NYT or Bloomberg where it wasn’t even mentioned, but late on Friday a bad week, month and year for the scrambling Biden administration – which in addition to the recent disaster in Virginia where a public referendum on “wokeness” saw the public overwhelmingly vote down the Democrats’ attempt to subvert social norms, is also facing the worst inflationary inferno since Nixon ended the gold standard – after a U.S. appeals court upheld its decision to put on hold Joe Biden’s unconstitutional order for companies with 100 workers or more to demand COVID-19 vaccines, rejecting a challenge by his administration.

A three-member panel of the 5th U.S. Circuit Court of Appeals in New Orleans affirmed its ruling despite the Biden administration’s position that halting implementation of the vaccine mandate could lead to dozens or even hundreds of deaths. No Nov 6, the Fifth Circuit granted a temporary stay on enforcement of the federal mandate, one day after the rule was announced. In its reaffirmation Friday, the court said the mandate “exposes [petitioners] to severe financial risk” and “threatens to decimate their workforces (and business prospects).”

“The mandate is staggeringly overbroad,” the opinion said adding that the vaccine mandate “raises serious constitutional concerns” and “likely exceeds the federal government’s authority.”

“The mandate is a one-size-fits-all sledgehammer that makes hardly any attempt to account for differences in workplaces (and workers),” Circuit Court Judge Kurt Engelhardt wrote for the panel.

pic.twitter.com/DCrg0jBlo2

— AG Jeff Landry (@AGJeffLandry) [November 13, 2021](#)

In its ruling, the Fifth Circuit judges agreed with opponents of vaccine mandates, which have become a deeply controversial topic in the United States (as if the country needed any more of those) – supporters say they are a must to put an end to the nearly two-year coronavirus pandemic, while opponents argue they violate the Constitution and curb individual liberty.

“The public interest is also served by maintaining our constitutional structure and maintaining the liberty of individuals to make intensely personal decisions according to their own convictions – even, or perhaps particularly, when those decisions frustrate government officials,” Engelhardt wrote.

At Biden’s orders, the OSHA issued a rule earlier this month requiring U.S. employers with 100 or more workers to ensure their workers are fully vaccinated against COVID-19 or undergoing weekly tests for the virus by Jan 4. Businesses that don’t comply face thousands of dollars in fines.

The rule prompted a slate of legal challenges from at least 27 states as well as business and religious groups who argue the mandate is unconstitutional. Biden and other federal officials argue the mandate is necessary to end the COVID-19 pandemic and fully reopen the economy.

White House officials had no immediate comment on the ruling, which was hailed as a victory by Texas Attorney General Ken Paxton. Texas joined other U.S. states, as well as private employers and religious organizations, in legal challenges to the order.

“Citing Texas’s “compelling argument[s],” the 5th Circuit has delayed OSHA’s unconstitutional and illegal private-business vaccine mandate. WE WON! Litigation will continue, but this is a massive victory for Texas and for FREEDOM from Biden’s tyranny and lawlessness,” Paxton wrote.

□Citing Texas’s “compelling argument[s],” 5th Circuit has stayed OSHA’s unconstitutional & illegal private-business vaccine mandate. WE WON! Litigation will continue, but this is a massive victory for Texas & FREEDOM from Biden’s tyranny & lawlessness.<https://t.co/w7MKyXs73L>

— Attorney General Ken Paxton (@KenPaxtonTX) [November 13, 2021](#)

Biden imposed the requirement in September, telling Americans that “our patience is wearing thin” with those refusing to get inoculated.

But before libertarians rejoice, keep in mind that the admin will now escalate its appeal to the Supreme Court where surprises from so-called “conservative” Supremes are certainly not excluded.

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