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**Attorney General Steve Marshall Files Brief to Block Biden's
Public-Transportation Mask Mandate**

(MONTGOMERY)—Attorney General Steve Marshall filed an amicus brief in support of a lawsuit challenging the Centers for Disease Control and Prevention's unlawful national COVID-19 mask mandate for public transportation.

"President Biden, through the Centers for Disease Control and Prevention, has tried to force Americans to abide by his unlawful public-transportation mask mandate that not only oversteps his regulatory authority but is also not based upon sound science," said Attorney General Marshall. "Fortunately, President Biden's illegal mask mandate was blocked by a federal court in April, and I am pleased to join 22 other attorneys general in filing this brief to ensure that it is not reinstated on appeal."

In their brief, filed in the U.S. Court of Appeals for the 11th Circuit, the attorneys general argue that the CDC's unlawful mandate exceeds the agency's authority in several ways. First, the CDC claims it has the authority to issue a mask mandate based on its power to require "sanitation" measures. That authority cannot support the mandate. Additionally, the CDC cannot demand that domestic travelers be examined without evidence that they are carrying disease, but that is what the mandate requires: a visual inspection of every traveler without any individualized suspicion.

The attorneys general also argue that the mandate is invalid because it is arbitrary and capricious, with numerous exceptions that the agency did not explain or justify, and failed to go through notice-and-comment procedures. Moreover, the brief notes the mandate violates the agency's own regulations that say it cannot act unless it finds local measures inadequate. But, here, the CDC never studied local measures, much less developed a method to determine whether those measures are adequate.

Attorney General Marshall was joined by attorneys general from Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Utah, Virginia and West Virginia in filing the amicus brief.

A copy of the attorneys general amicus brief may be read [here](#).

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