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## Attorney General Steve Marshall Files Suit to End Biden's Public-Travel Mask Mandate

(MONTGOMERY) – Attorney General Steve Marshall has filed a lawsuit against the Biden administration's Centers for Disease Control and Prevention (CDC) for its imposition of an illegal mask mandate for public travel despite court rulings that it is violating the law.

"Since the COVID-19 pandemic began, the CDC has repeatedly overstepped its legal authority with impunity," said Attorney General Marshall. "It has done so based upon its flawed reliance on a limited federal statute authorizing traditional quarantine measures directly related to preventing the interstate spread of the disease. Despite courts consistently ruling against the CDC's 'unprecedented assertion of power,' including a U.S. Supreme Court ruling against the CDC in a case brought by the Alabama Association of Realtors in 2021, the CDC remains defiant.

"After being called out for illegally prohibiting evictions and shutting down the nation's cruise industry for over a year, the CDC continues to impose a mask mandate for traveling on non-private conveyances, including aircraft, trains, road vehicles, and ships. The CDC's defiance of the law must be challenged, and I have joined 20 of my attorney general colleagues in filing suit against the CDC to halt this illegal mask mandate."

The CDC's unlawful mask mandate harms states, interfering with state laws banning forced masking. The mandate also runs counter to reason as now even the states with the most stringent COVID-19 policies are beginning to lift indoor mask mandates.

In the lawsuit, Attorney General Marshall argues that the CDC's unlawful mask mandate exceeds the agency's authority in several ways. First, the statute used to justify the mandate does not authorize economy-wide measures. Second, the statute only authorizes rules directly related to preventing the interstate spread of disease – it does not permit mask requirements for individuals who show no sign of infection.

Additionally, the lawsuit highlights that the CDC rule is arbitrary and capricious, required notice and comment that was not given before being implemented and did not consider actions that states had already taken to control the spread of COVID-19. The mandate also requires state-run conveyances and transportation hubs to affirmatively enforce the rule, in violation of the anti-commandeering doctrine.

Attorney General Marshall joined attorneys general from Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Utah, Virginia and West Virginia in [filing the lawsuit](#) in the U.S. District Court for the Middle District of Florida on Tuesday.

