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Louisiana federal judge blocks Biden COVID vaccine mandate for Head Start program

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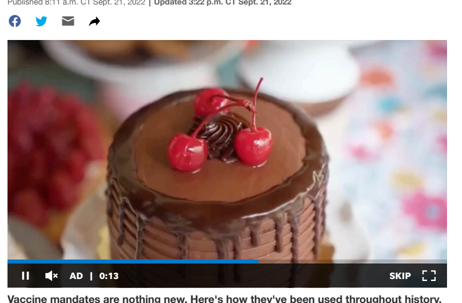

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Vaccine mandates have been around the U.S. since 1777. Here's how much power states have to enact mandates and the history of vaccine controversies. *Just the FAQs, USA TODAY*

A Louisiana federal judge Wednesday blocked President Joe Biden's vaccine mandate for the Head Start program in 24 states with a permanent injunction.

Louisiana Western District Judge Terry Doughty initially issued a temporary injunction in January, but Wednesday's ruling was on the merits of the case. The Biden administration can appeal the ruling.

Doughty's ruling said the Biden Administration doesn't have the authority to issue the mandate without Congress.

Head Start programs provide children ages 3 to 5 and their families at or below the federal poverty level with early childhood education and resources.

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The Biden Administration's order would require teachers, contractors and volunteers in Head Start programs to be fully vaccinated.

Republican Louisiana Attorney General Jeff Landry filed the lawsuit on Dec. 21, saying the Head Start mandate is "beyond the Executive Branch's authority, contrary to law and arbitrary and capricious."

Doughty, who was appointed by President Trump, quoted founder James Madison in his ruling: "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elected may justly be pronounced the very definition of tyranny."

Sat., Jan. 8, 2022; Columbus, Ohio, USA; A protester holds a sign against vaccine mandates during the "Maximum Freedom" Rally at the Ohio Statehouse. Several groups rallied at the Statehouse against vaccine mandates as a response to the ongoing COVID-19 pandemic. *Joshua A. Bickel/Columbus Dispatch*

"Courts are protectors of the United States Constitution and its delegated powers," Doughty went on to say in his ruling. "The separation of powers keeps the three branches equal. If one branch attempts to exceed its constitutional powers it is the judicial branch's duty to stop it.

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Doughty wrote that individual liberty in this case trumps the potential public interest of a vaccine mandate.

"Although vaccines arguably serve the public interest, the liberty interests of individuals mandated to take the COVID-19 vaccine outweigh any interest generated by the mandatory administration of vaccines," Doughty wrote.

Other states in the lawsuit include: Alabama; Alaska; Arkansas; Arizona; Florida; Georgia; Indiana; Iowa; Kansas; Kentucky; Mississippi; Missouri; Montana; Nebraska; North Dakota; Ohio; Oklahoma; South Carolina; South Dakota; Tennessee; Utah; Wyoming; and West Virginia.

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Doughty has also previously blocked a Biden vaccine mandate for healthcare workers, but the U.S. Supreme Court overturned that ruling and sided with Biden.

The judge also drew national attention when he lifted the Biden administration's moratorium on new oil and gas leases on federal land and waters in 2021.

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