

# Mindless Mask Mandates Are Over

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✓ Fact Checked

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## STORY AT-A-GLANCE

- › April 18, 2022, U.S. District Judge Kathryn Kimball Mizelle voided the U.S. Centers for Disease Control and Prevention's national mask mandate on airplanes and public transit. The lawsuit was brought by the Health Freedom Defense Fund
- › The mandate was unlawful because the CDC did not have the statutory authority to issue such a rule. The implementation of it also violated administrative law
- › As a result of the court ruling, American Airlines, Alaska Airlines, Delta, Frontier, Hawaiian Airlines, Southwest, Spirit, Jet Blue and United Airlines have announced they will no longer enforce mask wearing on their flights. The Transportation Security Administration (TSA) also will not require masks to be worn at airports
- › Uber has also issued a statement saying masks will no longer be required to be worn by either drivers or passengers, as has Amtrak
- › For all of modern medicine, it's been known that surgical masks do not block viruses. Yet for some reason, long-standing knowledge and scientific evidence was completely ignored and science "rewritten" in the sense that authorities simply declared that masks would work

After more than two years of unscientific insanity, U.S. District Judge Kathryn Kimball Mizelle has finally voided<sup>1,2</sup> the U.S. Centers for Disease Control and Prevention's national mask mandate<sup>3</sup> on airplanes and public transit. The lawsuit was brought by the Health Freedom Defense Fund (HFDF), which noted that "There are legal guardrails in

place to protect our basic liberties and rights – even during a pandemic.”<sup>4</sup> And, indeed, this was the message of the court as well.

The CDC had initially issued a “strong recommendation” to wear masks on planes and public transportation in October 2020,<sup>5</sup> and then turned it into an “order” at the end of January 2021.<sup>6</sup> As noted by Leslie Manookian with the HFDF:

*“When flight attendants announced – repeatedly on each flight – that compliance is required ‘by federal law,’ did you ever wonder: what federal law? I did. And it led us at the [Health Freedom Defense Fund](#) to file [suit](#) against the mandate in federal court. With assistance from our lawyers at the [Davillier Law Group](#), we learned there is no “federal law” compelling masks for travel.*

*The CDC does not have the statutory authority to issue a sweeping mandate requiring masking. Nor does the agency have the authority to penalize Americans for non-compliance.*

*The Biden administration claimed its mask mandate was rooted in authority granted under the [Public Health Service Act](#). However, a careful reading of that law shows Congress never intended to grant such sweeping powers. In fact, the law is limited and specific ...”*

The CDC had extended its mask requirement as recently as April 13, 2022,<sup>7</sup> despite pressure from airlines, the hospitality industry and Republican lawmakers to end it. The mandate was scheduled to expire May 3, 2022, but was lifted, “effective immediately,” April 18, 2022, following the court’s verdict.<sup>8</sup> As reported by NBC Chicago:<sup>9</sup>

*“The 59-page ruling<sup>10</sup> from the Florida judge said the CDC failed to justify its decision and did not follow proper rulemaking procedures that left it fatally flawed.”*

## **CDC Acted Unlawfully**

In short, the mandate was unlawful because the CDC did not have the statutory authority to issue such a rule. The implementation of it also violated administrative law.

**“ [The] administration violated the Administrative Procedure Act, which dictates the procedures the federal government must follow when implementing certain agency policies. The Biden administration erred in failing to seek public notice and comment on the policy ... [Mizelle] also ruled that the mandate violates that APA's prohibitions on ‘arbitrary’ and ‘capricious’ agency actions because the CDC had failed to adequately explain its reasoning for implementing the policy ... ~ CNN”**

The fact that the CDC and White House have been doing what they know they cannot legally do says a lot about the state of our nation. Lawlessness reigns at the highest levels. As reported by CNN:<sup>11</sup>

*“The first part of the judge's 59-page ruling<sup>12</sup> turned on the meaning of the word ‘sanitation,’ as it functions in the 1944 statute that gives the federal government the authority – in its efforts to combat communicable diseases – to issue regulations concerning ‘sanitation.’*

*Mizelle concluded that that the use of the word in the statute was limited to ‘measures that clean something.’ ‘Wearing a mask cleans nothing,’ she wrote. ‘At most, it traps virus droplets. But it neither ‘sanitizes’ the person wearing the mask nor ‘sanitizes’ the conveyance.’*

*She wrote that the mandate fell outside of the law because ‘the CDC required mask wearing as a measure to keep something clean – explaining that it limits*

*the spread of COVID-19 through prevention, but never contending that it actively destroys or removes it.'*

*Mizelle suggested that the government's implementation of the mandate – in which non-complying travelers are 'forcibly removed from their airplane seats, denied board at the bus steps, and turned away at the train station doors; – was akin to 'detention and quarantine,' which are not contemplated in the section of the law in question ...*

*'As a result, the Mask Mandate is best understood not as sanitation, but as an exercise of the CDC's power to conditionally release individuals to travel despite concerns that they may spread a communicable disease (and to detain or partially quarantine those who refuse),' she wrote. 'But the power to conditionally release and detain is ordinarily limited to individuals entering the United States from a foreign country.'*

*She added that the mandate also did not fit with a section of the law that would allow for detention of a traveler if he was, upon examination, found to infected.*

*'The Mask Mandate complies with neither of these subsections,' the judge said. 'It applies to all travelers regardless of their origins or destinations and makes no attempt to sort based on their health.'*

*Mizelle added that, additionally, the administration violated the Administrative Procedure Act, which dictates the procedures the federal government must follow when implementing certain agency policies.*

*The Biden administration erred in failing to seek public notice and comment on the policy ... She also ruled that the mandate violates that APA's prohibitions on 'arbitrary' and 'capricious' agency actions because the CDC had failed to adequately explain its reasoning for implementing the policy ...*

*Other lawsuits that have been filed targeting the mandate ... have failed ... Unlike ... other cases where judges were weighing emergency or preliminary*

*orders, Mizelle was considering the legality of the mandate on the merits.”*

## **At CDC’s Request, White House Justice Department Is Appealing**

Immediately following Mizelle’s ruling, the Justice Department stated<sup>13</sup> it would appeal if the CDC determines that the mask order “remains necessary for the public’s health.” In response, the lead plaintiff, Health Freedom Defense Fund (HFDF), issued the following statement:<sup>14</sup>

*“DoJ’s statement is perplexing to say the least and sounds like it comes from health policy advocates not government lawyers. The ruling by the US District Court ruling is a matter of law, not CDC preference or an assessment of ‘current health conditions.’*

*If there is in fact a public health emergency with clear and irrefutable science supporting CDC’s mask mandate, does it not warrant urgent action? Why would DoJ and CDC not immediately appeal?*

*HFDF is left with no option but to conclude that the Mask Mandate is really a political matter and not at all about urgent public health issues or the demands of sound science. While DoJ and CDC play politics with Americans’ health and freedoms, HFDF trusts individual Americans to make their own health decisions.”*

Unfortunately, the CDC doesn’t see it that way, as the DOJ announced late Wednesday, April 20, 2022, that the CDC had asked them to appeal, and that it had been filed in a Tampa, Florida, federal court.<sup>15</sup> At the same time, the CDC issued a statement saying they’d done it to “protect their public health authority beyond the ongoing assessment”:<sup>16</sup>

*“It is CDC’s continuing assessment that at this time an order requiring masking in the indoor transportation corridor remains necessary for the public health ... CDC believes this is a lawful order, well within CDC’s legal authority to protect public health.”*

You can support the Health Freedom Defense Fund and push back against the DoJ and CDC by taking to social media. Please follow and/or like the HFDF on the following platforms, share their content, and invite your followers to do the same:

Instagram: [www.instagram.com/healthfreedomdefensefund/](https://www.instagram.com/healthfreedomdefensefund/)

Twitter: [twitter.com/theHFDF](https://twitter.com/theHFDF)

Facebook: [www.facebook.com/healthfreedomdefensefund](https://www.facebook.com/healthfreedomdefensefund)

Telegram: [t.me/HealthFreedomDefense](https://t.me/HealthFreedomDefense)

MeWe: [mewe.com/p/healthfreedomdefensefund](https://mewe.com/p/healthfreedomdefensefund)

You can also give the HFDF a shout-out by posting something similar to this supporter: [www.facebook.com/abcdefghijklwk/posts/10227837175497902/](https://www.facebook.com/abcdefghijklwk/posts/10227837175497902/)!

## **Transportation No Longer Requiring Masks**

In the meantime, as a result of the court ruling, American Airlines, Alaska Airlines, Delta, Frontier, Hawaiian Airlines, Southwest, Spirit, Jet Blue and United Airlines have announced they will no longer enforce mask wearing on their flights.<sup>17</sup> The Transportation Security Administration (TSA) also will not require masks to be worn at airports.

However, some Chicago public transportation agencies will keep the mask mandate in effect until the end of April 2022, per an Illinois executive order. Uber has also issued a statement saying masks will no longer be required to be worn by either drivers or passengers,<sup>18</sup> as has Amtrak and the Washington Metropolitan Area Transit Authority.<sup>19</sup>

## **Science Was Ignored From the Start**

For all of modern medicine, it's been known that surgical masks do not block viruses. That's not why they're used. They're used during surgery and other medical procedures to prevent the transfer of bacteria-laden saliva to vulnerable patients and open wounds.

Yet for some reason, long-standing knowledge was completely ignored and science “rewritten” in the sense that authorities simply declared that masks would work and that was it. Scientific studies confirming masks don’t work were roundly ignored. Among them:

- A 2009 study published in JAMA, which compared the effectiveness of surgical masks and N95 respirators to prevent seasonal influenza in a hospital setting; 24% of the nurses in the surgical mask group still got the flu, as did 23% of those who wore N95 respirators.<sup>20</sup>
- A policy review paper published in Emerging Infectious Diseases in May 2020, which concluded, based on 10 randomized controlled trials, that there was “no significant reduction in influenza transmission with the use of face masks ...”<sup>21</sup>
- A 2020 guidance memo by the World Health Organization, which pointed out that “there is no direct evidence (from studies on COVID-19 and in healthy people in the community) on the effectiveness of universal masking of healthy people in the community to prevent infection with respiratory viruses, including COVID-19.”<sup>22</sup>
- A large COVID-19-specific randomized controlled surgical mask trial, published November 18, 2020, which showed that a) masks may reduce your risk of SARS-CoV-2 infection by as much as 46%, or it may actually increase your risk by 23%, and b) the vast majority – 97.9% of those who didn’t wear masks, and 98.2% of those who did – remained infection free.<sup>23,24</sup>
- A Finnish COVID-19 specific trial published April 7, 2022, which concluded that face mask use had no impact on COVID-19 incidence among 10- to 12-year-olds.<sup>25</sup>

Comparisons of infection rates (positive test rates) before and after the implementation of universal mask mandates also showed masks mandates had no beneficial effect whatsoever.<sup>26</sup> In one investigation,<sup>27</sup> states with mask mandates were found to have an average of 27 positive SARS-CoV-2 “cases” per 100,000 people, whereas states with no mask mandates had just 17 cases per 100,000.

## **Common Sense Finally Breaks Through**

Coincidentally, The Washington Post published an article February 11, 2022,<sup>28</sup> noting that mask mandates have had no discernible benefit. The reason is simple: Respiratory viruses are airborne and so tiny they flow through most barriers. If you can breathe, the virus will slip through. Yet the WHO has obfuscated and confused the public about this since the beginning.

In late March 2020, the WHO tweeted, “FACT: #COVID19 is NOT airborne.”<sup>29</sup> The statement included a “fact check” box, authoritatively stating that information circulating on social media that COVID-19 is airborne is “incorrect” and “misinformation.” It finally admitted in early May 2021 that SARS-CoV-2 was airborne.<sup>30</sup> The Washington Post wrote:<sup>31</sup>

*“It is intuitive that a barrier ought to prevent germs from being emitted into the air. But if that’s true, why isn’t there more evidence for the benefits of masking two years into the pandemic?”*

*Experts associated with The Center for Infectious Disease Research and Policy (CIDRAP) at the University of Minnesota have laid out a more complex analysis: Given the current understanding that the virus is transmitted in fine aerosol particles, it’s likely an infectious dose could easily get through and around loose-fitting cloth or surgical masks ...*

*[States] with mask mandates haven’t fared significantly better than the 35 states that didn’t impose them during the omicron wave ... There’s little evidence that mask mandates are the primary reason the pandemic waves eventually fall – though much of the outrage over lifting mandates is based on that assumption.”*

## **CDC Relied on Anecdotal Data to Promote Mask Use**

The CDC, in addition to usurping authority it did not have, has also violated public trust by relying on the very lowest forms of scientific evidence. All they offer as the primary



piece of “evidence” to back up its mask recommendation is a wholly anecdotal story about two symptomatic hair stylists who interacted with 139 clients during eight days.<sup>32</sup>

Sixty-seven of the clients agreed to be interviewed and tested. None tested positive for SARS-CoV-2. The fact that the stylists and all clients “universally wore masks in the salon” was therefore taken as evidence that the masks prevented the spread of infection.

They even ignored their own data,<sup>33,34,35</sup> which showed 70.6% of COVID-19 patients reported “always” wearing a cloth mask or face covering in the 14 days preceding their illness, and 14.4% reported having worn a mask “often.” So, a total of 85% of people who came down with COVID-19 had “often” or “always” worn a mask.

## **Trust Has Been Violated and Broken by Many Authorities**

Many other health authorities have also violated and broken our trust, including the American Academy of Pediatrics (AAP), which parents rely on for truthful information to protect the health and well-being of their children. In August 2021, the AAP endorsed the CDC’s recommendation for universal masking,<sup>36</sup> while simultaneously removing years of information from their website that explained the importance of facial cues to early brain and child development.

In a series of tweets, posted in August 2021, they even claimed there was no evidence to support the concern that masking might harm children’s language development,<sup>37</sup> or that masks might compromise breathing.<sup>38</sup>

Shortly after the AAP took down their facial cue documents and posted their new masking recommendations for children, a retired chief of police questioned the AAP’s motives — and in a telling opinion piece for Law Enforcement Today,<sup>39</sup> he revealed that Pfizer is one of the AAP’s largest funders.

During 2020 and 2021, many infants and young children were raised in an environment where they are unable to read facial cues. In the short video above, you’ll see what

happens during the “still face” experiment when the infant does not get a response from the mother.

Research<sup>40,41</sup> produced after 2020 has demonstrated that both children and adults struggle to recognize emotion in people who are masked. How this will affect overall child development and whether the children can “catch up” now that mask mandates have been lifted in most areas is yet to be determined.

However, we do have some clues. A retrospective study<sup>42</sup> published online in late 2020 and updated periodically through early 2021, used data from Germany's first registry showing the experience children are having wearing masks. Parents, doctors and others were allowed to enter their observations.

The experience of 25,930 children was telling. The average time children were wearing a mask was 270 minutes each day, and there were 24 health issues reported that were associated with mask wearing that fell into the categories of physical, psychological and behavioral issues.

For example, reported effects included irritability (60%), headache (53%), difficulty concentrating (50%), less happiness (49%), reluctance to go to school/kindergarten (44%), malaise (42%), impaired learning (38%), drowsiness or fatigue (37%), shortness of breath (29.7%), dizziness (26.4%), unwilling to move or play (17.9%). Hundreds also experienced “accelerated respiration, tightness in chest, weakness and short-term impairment of consciousness.”

## **Doctors and Academics Hunted Down for ‘Misinformation’**

Medical boards across the country have also shown their true stripes, hunting down doctors who disagreed with the unscientific masking of children. Dr. Jeremy Henrichs, for example, a member of the Mahomet-Seymour school board and a physician for the University of Illinois Athletic Department, was targeted by state investigators who opened an official investigation into his practice due to his opposition to mandatory masks in classrooms.<sup>43</sup>

August 11, 2021, Henrichs received an email from a medical investigator asking for a “detailed statement on your opinion about masks, and whether you support and will enforce a mask mandate based on your elected position as a school board member.”<sup>44</sup> “This would fall under the unprofessional-conduct part of the Medical Practice Act,” the email added.<sup>45</sup>

An attorney for Henrichs responded, questioning whether the investigation had legal standing and suggesting it was an attempt to “coerce or intimidate a public official in the performance of his public duties.”

State law prohibits the intimidation of public officials going about their official duties, and in a statement, Henrichs called the overreach a direct threat:<sup>46</sup>

*“I have considered authoritative medical evidence that questions the necessity of mandatory masking in our schools. As a result, the IDPFR has threatened my medical licensure unless I expressly support and enforce a mask mandate for all students. The IDPFR has commanded me to ‘toe the line’ or suffer personal and professional consequences.*

*The IDPFR's actions constitute a direct threat from the state to the well-being of my family and all board members to freely and independently exercise the duties of elected office.”*

After public backlash, the agency issued a letter of apology to Henrichs and backpedaled on their inquiry.<sup>47</sup> But this was far from an isolated case. Other regulatory bodies have issued similar threats and warnings attempting to silence physicians, including the College of Physicians and Surgeons of Ontario (CPSO), which regulates the practice of medicine in Ontario.

In April 2021, it issued a statement prohibiting physicians from making comments or providing advice that goes against the official narrative.

Physicians aren’t the only ones who have been hunted down for their views. Many academics have also faced the same fate. Professor Mark Crispin Miller, who taught

classes on mass persuasion and propaganda at the New York University Steinhardt School of Culture, Education and Human Development for the last two decades, is but one example.

After challenging students to investigate current propaganda narratives surrounding mask mandates, Miller was placed under conduct review for spreading “dangerous misinformation.”

## Will Common Sense Return?

Now that the court has struck down the CDC’s senseless mask mandate, we will hopefully see mask requirements lifted across the country, even as the CDC’s appeal works its way through the courts. It’s well overdue, seeing how masks never worked to prevent the spread of infection in the first place, and can have serious, possibly permanent, ramifications.

Time will tell if the damage inflicted on our children during these past two years can be undone – and if unelected agencies and officials can continue to get away with running the country in whatever reckless manner suits them.

## Sources and References

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- <sup>1, 10, 12</sup> [US District Court Middle District of Florida Case No: 8:21-cv-1693-KKM-AEP](#)
- <sup>2</sup> [Steve Kirsch Substack April 18, 2022](#)
- <sup>3, 6, 8</sup> [CDC Order: Wearing Facemasks](#)
- <sup>4</sup> [The Defender April 22, 2022](#)
- <sup>5</sup> [CNBC October 19, 2020](#)
- <sup>7</sup> [New York Times April 13, 2022](#)
- <sup>9, 17, 18</sup> [NBC Chicago April 19, 2022](#)
- <sup>11, 19</sup> [CNN April 18, 2022](#)
- <sup>13</sup> [Department of Justice April 19, 2022](#)
- <sup>14</sup> [Health Freedom Defense Fund April 20, 2022](#)
- <sup>15</sup> [KHOU-11. April 20, 2022](#)
- <sup>16</sup> [CDC Statement on Masks April 20, 2022](#)
- <sup>20</sup> [JAMA 2009;302\(17\):1865-1871](#)
- <sup>21</sup> [Emerging Infectious Diseases May 2020; 26\(5\)](#)

- <sup>22</sup> WHO.int Advice on the Use of Masks in the Context of COVID-19
- <sup>23</sup> Annals of Internal Medicine November 18, 2020 DOI: 10.7326/M20-6817
- <sup>24</sup> Spectator November 19, 2020
- <sup>25</sup> MedRxiv April 7, 2022 DOI: 10.1101/2022.04.22272833
- <sup>26</sup> The Federalist October 29, 2020
- <sup>27</sup> Twitter Justin Hart December 20, 2020
- <sup>28, 31</sup> Washington Post February 11, 2022
- <sup>29</sup> Twitter, World Health Organization March 28, 2020
- <sup>30</sup> Forbes May 4, 2021
- <sup>32</sup> CDC.gov Human Studies of Masking and SARS-CoV-2 Transmission
- <sup>33</sup> CDC.gov MMWR September 11, 2020; 69(36), page 1261 Table
- <sup>34</sup> CDC MMWR Erratum September 25; 69(38): 1380
- <sup>35</sup> Breitbart October 14, 2020
- <sup>36</sup> American Academy of Pediatrics, August 11, 2021
- <sup>37, 38</sup> Twitter, August 12, 2021
- <sup>39</sup> Law Enforcement Today July 20, 2021
- <sup>40</sup> PLOS|One, 2020; doi.org/10.1371/journal.pone.0243708
- <sup>41</sup> Frontiers in Psychology, 2021; doi.org/10.3389/fpsyg.2021.669432
- <sup>42</sup> Monatsschr Kinderheilkd 2021;169(4):353-365
- <sup>43, 44</sup> WCIA August 18, 2021
- <sup>45</sup> The News-Gazette August 20, 2021
- <sup>46</sup> The Center Square August 18, 2021
- <sup>47</sup> The Center Square, IDFPR Apology Letter to Henrichs August 19, 2021