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**BREAKING NEWS from  
LIBERTY JUSTICE CENTER and  
PELICAN INSTITUTE FOR PUBLIC POLICY**

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## **FEDERAL JUDGE STRIKES DOWN FEDERAL SCHOOL MASK AND VACCINE MANDATE**

***280,000 Head Start Program teachers, staff and volunteers faced “jab-or-job”  
mandate***

LAFAYETTE, LOUISIANA (Sept. 21, 2022) — Today, a federal judge in Louisiana ruled that the federal government cannot require Head Start program teachers, staff and volunteers be vaccinated against COVID-19, nor can they require that adults and students wear masks. In December 2021, teacher Sandy Brick filed a lawsuit in federal court Louisiana to stop the mandate and are represented by the national law firm **Liberty Justice Center** and the Louisiana-based **Pelican Institute for Public Policy**.

“Although President Biden recently declared that the ‘pandemic is over,’ the fight to restore Americans’ individual liberties is not,” said **Daniel Suhr, managing attorney at the Liberty Justice Center**. “We will continue to fight for teachers like Sandy and the low-income students they serve until every illegal and unjustified mandate is wiped from the books. Today’s decision is a significant step toward undoing the injustice perpetrated against everyday Americans throughout the COVID-19 crisis.”

**Sarah Harbison, general counsel at the Pelican Institute for Public Policy** added, “Louisiana teacher Sandy Brick has been serving her students through adversity and uncertainty the last two years. Today, this decision vindicates her right to teach without sacrificing her freedom.”

Head Start programs provide school readiness support for children up to age 5 from families at or below the federal poverty level. Head Start agencies are local, largely nonprofit, or governmental providers that receive federal funding to provide services for these children. The providers received the new mandate on Nov. 30, 2021, when the Office of Head Start under the Department of Health and Human Services (HHS) published an “interim final rule.” The requirement demands that teachers, staff and volunteers in Head Start programs be “fully vaccinated” by Jan. 31, 2022, or face losing their jobs. It also placed a universal mask mandate on all adults and children over two years old.

**In the ruling permanently enjoining the vaccine and mask mandate in 24 states, U.S. District Court Judge Terry A. Doughty writes:**

“The public interest is served by maintaining the constitutional structure and maintaining the liberty of individuals who do not want to take the COVID-19 vaccine. This interest outweighs Agency Defendants’ interests. The public has a liberty interest in not being required to take a vaccine or be fired from their jobs. The public interest must be taken into account before allowing Agency Defendants to mandate vaccines. 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.”

The federal government must now decide whether to appeal the Western District ruling to the Fifth Circuit Court of Appeals, the same court that blocked the government’s vaccine mandate for private businesses.

The Head Start mandate was included in a package of COVID-related mandates announced on September 9, 2021, by President Biden. Also included in that announcement were five federal vaccine mandates, including the vaccine-or-test mandate that affected more than 80 million Americans who were privately employed. Liberty Justice Center and Pelican Institute attorneys sued the federal government to block that mandate, too. The mandate was blocked nationwide as a direct result of their lawsuit on behalf of Louisiana business owner Brandon Trosclair and six Texas CaptiveAire employees in the Fifth Circuit Court of Appeals. It was ultimately [blocked permanently](#) by the U.S. Supreme Court on Jan. 13, 2022.

**Brick v. Biden was filed Dec. 22, 2021, in the U.S. District Court for the Western District of Louisiana, Lake Charles Division. Case filings are available here:**

<https://libertyjusticecenter.org/media/head-start>

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**The Liberty Justice Center** is a nonprofit, public-interest litigation center that fights to protect Americans’ fundamental constitutional rights. Its team of expert constitutional attorneys fight to protect workers’ rights and free speech, combat cancel culture and government overreach and improve the lives of everyday Americans. The Liberty Justice Center is best known for its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Learn more about the Liberty Justice Center at [LibertyJusticeCenter.org](https://libertyjusticecenter.org).

**The Pelican Institute** believes every person should have the opportunity to flourish. The Institute’s mission is to research and develop policy solutions to address the most significant barriers to opportunity in Louisiana. We educate the public about the benefits of individual liberty and free enterprise, turning great ideas into powerful policy solutions that make a meaningful difference in people’s lives.