

Coronavirus

Decor honors frontline workers

Biden's vaccine rule for health workers blocked

JEFFERSON CITY, Nov. 30, (AP) — A federal judge has blocked President Joe Biden's administration from enforcing a coronavirus vaccine mandate on thousands of health care workers in 10 states that had brought the first legal challenge against the requirement.

The court order said that the federal Centers for Medicare & Medicaid had no clear authority from Congress to enact the vaccine mandate for providers participating in the two government health care programs for the elderly, disabled and poor.

The preliminary injunction by St. Louis-based U.S. District Judge Matthew Schelp applies to a coalition of suing states that includes Alaska, Arkansas, Iowa, Kansas, Missouri, Nebraska, New Hampshire, North Dakota, South Dakota and Wyoming. All those states have either a Republican attorney general or governor. Similar lawsuits also are pending in other states.

The federal rule requires COVID-19 vaccinations for more than 17 million workers nationwide in about 76,000 health care facilities and home health care providers that get funding from the government health programs. Workers are to receive their first dose by Dec. 6 and their second shot by Jan. 4.

The court order against the health care vaccine mandate comes after Biden's administration suffered a similar setback for a broader policy. A federal court previously placed a hold on a separate rule requiring businesses with more than 100 employees to ensure their workers get vaccinated or else wear masks and get tested weekly for the coronavirus.

Biden's administration contends federal rules supersede state policies prohibiting vaccine mandates and are essential to slowing the pandemic, which has killed more than 775,000 people in the U.S. About three-fifths of the U.S. population already is fully vaccinated.

But the judge in the health care provider case wrote that federal officials likely overstepped their legal powers.

Overtake

"CMS seeks to overtake an area of traditional state authority by imposing an unprecedented demand to federally dictate the private medical decisions of millions of Americans. Such action challenges traditional notions of federalism," Schelp wrote in his order.

Even under an exceedingly broad interpretation of federal powers, Congress did not clearly authorize CMS to enact "this politically and economically vast, federalism-altering, and boundary-pushing mandate," wrote Schelp, who was appointed to the bench by former President Donald Trump.

While a vaccine requirement might make sense for long-term care facilities, Schelp wrote, CMS lacks evidence for imposing it on other health care providers and ignored evidence that the mandate could jeopardize understaffed facilities. The judge also said CMS improperly bypassed public notice and comment requirements when issuing the emergency rule, which "feeds into the very vaccine hesitancy CMS acknowledges is so daunting."

A CMS spokesperson said the agency was reviewing the court order.

"Staff in any health care setting who remain unvaccinated pose both direct and indirect threats to patient safety and population health," CMS said in a statement Monday. "That is why it is critical for health care providers to ensure their staff are vaccinated against COVID-19."

Missouri Attorney General Eric Schmitt, who spearheaded the lawsuit, said the ruling "pushes back on the overreach of power" by those who are "using the coronavirus as a tool" for control over people.

Officials in several states also praised the court ruling. New Hampshire Gov. Chris Sununu said "nursing homes were at risk of closure" if the mandate remained.

Iowa Gov. Kim Reynolds said the vaccine is the best defense against COVID-19, but medical providers "deserve the freedom and ability to make their own informed health care decisions."

Meanwhile, holiday decorations unveiled Monday for Joe and Jill Biden's first White House Christmas honor frontline workers who persevered during the COVID-19 pandemic.

Nurses, doctors, teachers, grocery store workers and others are recognized in this year's gigantic Gingerbread White House, which was made into a 350-pound (158.76 kilograms) gingerbread village with the addition of a school and police, fire and gas stations as well as a hospital, a post office, a grocery store and a warehouse to honor workers who stayed on the job.

Threat

Fewer people are likely to see the decked-out mansion in person this year, with public tours still suspended because of the continuing threat from COVID-19. But videos, photos and other details are available at [WhiteHouse.gov/Holidays](https://www.whitehouse.gov/Holidays).

"Gifts from the Heart" is the theme. In remarks thanking volunteers for decorating, the first lady explained the vision behind her theme, speaking of unity and her view that everyone comes together around faith, family and friendship, gratitude and service, and love for one's community.

"For all of our differences, we are united by what really matters," she said. "Like points on a star, we come together at the heart. That is what I wanted to reflect in our White House this year. In each room, we tell a story of gifts from the heart."

The first lady, a longtime community college professor, invited Maryland second graders for Monday's unveiling of the holiday decorations. They were inspired by people the president and first lady met while traveling around the country this year, according to the White House.

Frontline workers are also represented in the iridescent doves and shooting stars that illuminate the East Colonnade hallway, "representing the peace and light brought to us by all the front-line workers and first responders during the pandemic," the guidebook says.

The COVID-19 pandemic has affected the White House holiday season in other ways, though it remained unclear how parties and receptions may be tweaked to compensate for it.

White House press secretary Jen Psaki said said parties will be held, though they will be "different" from years past. Some indication will come Wednesday when the president and first lady and Vice President Kamala Harris and her husband, Doug Emhoff, light a menorah to celebrate Hanukkah. Emhoff, who is Jewish, helped light the National Menorah on the Ellipse on Sunday.

Volunteers who decorated the White House came only from the surrounding area, instead of from all over the United States as in past years, because of COVID-19 concerns.

The White House also wasn't spared the supply shortages that many Americans are contending with. Some topiary trees took a little longer to arrive, said social secretary Carlos Elizondo.



Biden



Felicia Moore, Atlanta City Council president and mayoral candidate (left), takes a selfie with supporter Heidi Oquendo at her election night party, in Atlanta. (AP)

America

4 found dead at home: The bodies of four people were found in a northeastern Indiana home following a report of shots being fired inside the residence, authorities said.

Law enforcement responded about 9 p.m. Monday and medics confirmed that the four were dead in Allen County, just northwest of Fort Wayne, sheriff's Cpl. Adam Griffith said at the scene.

Police said in a news release that officers who were dispatched to the home on a report of gunshots being fired inside entered "after observing multiple people down inside the residence through a window." (AP)

FedEx driver questioned: The recent discovery of hundreds of packages in a wooded area north of Alabama's most populous city have led authorities to question a FedEx driver, a sheriff said Monday.

As many as 400 packages of varying sizes were found in a ravine last week about 30 miles (50 kilometers) north of Birmingham, authorities said. The discovery was made on private property near the small town of Hayden in Blount County, Sheriff Mark Moon said.

The county sheriff said in a statement on the department's Facebook page that investigators had spoken with security personnel from the Memphis, Tennessee-based company and have identified a driver. (AP)

Rep refuses to apologize: Days after firebrand conservative Rep. Lauren Boebert of Colorado was harshly criticized for making anti-Muslim comments about Rep. Ilhan Omar, a Minnesota Democrat whom she likened to a bomb-carrying terrorist, the two spoke by phone. By both lawmakers' accounts, it did not go well.

Monday's conversation, which Boebert sought after issuing a tepid statement last Friday, offered an opportunity to extend an olive branch in a House riven by tension. Instead, it ended abruptly after Boebert rejected Omar's request for a public apology, amplifying partisan strife that has become a feature, not a bug, of the GOP since a mob of Donald Trump supporters stormed the Capitol on Jan. 6. (AP)

Jury awards woman \$2.1m: An Alabama woman who says she was falsely arrested for shoplifting at a Walmart and then threatened by the company after her case was dismissed has been awarded \$2.1 million in damages. A Mobile County jury on Monday ruled in

Investigation

Lawmakers seek answers

Panel sets contempt vote for ex-official

WASHINGTON, Nov. 30, (AP) — A House committee investigating the Jan. 6 Capitol insurrection will vote Wednesday to hold a former Justice Department official in contempt, demanding criminal charges against a defiant witness for a second time as lawmakers seek answers about the violent attack.

The committee on Monday scheduled a vote to pursue contempt charges against Jeffrey Clark, a former Justice Department lawyer who aligned with President Donald Trump as he tried to overturn his election defeat. If approved by the panel, the recommendation of criminal contempt charges would then go to the full House for a vote and then to the Justice Department.

Clark appeared for a deposition Nov. 5 but told lawmakers that he would not answer questions based partly on Trump's legal efforts to block the committee's investigation.

The vote will come as the panel is also considering contempt charges against former White House Chief of Staff Mark Meadows, who was Trump's top aide the day that hundreds of his supporters violently attacked the U.S. Capitol and interrupted the certification of President Joe Biden's victory. Meadows was subpoenaed in September but has not yet sat for an interview with the committee.

The panel has vowed to aggressively seek charges against any witness who

doesn't comply as they investigate the worst attack on the Capitol in two centuries, and the Justice Department has signaled it is willing to pursue those charges, indicting longtime Trump ally Steve Bannon earlier this month on two federal counts of criminal contempt. Attorney General Merrick Garland said then that Bannon's indictment reflects the department's "steadfast commitment" to the rule of law after Bannon outright defied the committee and refused to cooperate.

Complicated

Clark's case could be more complicated since he did appear for his deposition and, unlike Bannon, was a Trump administration official on Jan. 6. Trump has sued to block the committee's work and has attempted to assert executive privilege over documents and interviews, arguing that his conversations and actions at the time should be shielded from public view.

A report issued by Democrats on the Senate Judiciary Committee detailed how Clark championed Trump's efforts to undo the election results and clashed as a result with Justice Department superiors who resisted the pressure, culminating in a dramatic White House meeting at which Trump ruminated about elevating Clark to attorney general. He did not do so after several aides threatened to resign.

In a somewhat similar case, the Justice Department in 2015 declined to prosecute former IRS official Lois Lerner on contempt of Congress charges. Lerner delivered an opening statement at a congressional hearing in which she denied any wrongdoing, but then refused to answer questions from lawmakers, citing her Fifth Amendment right to not incriminate herself.

With little precedent to go on, it's unclear what the department would do in Clark's case.

Clark is one of more than 40 people the committee has subpoenaed so far. The panel's chairman, Mississippi Rep. Bennie Thompson, wrote in Clark's subpoena that the committee's probe "has revealed credible evidence that you attempted to involve the Department of Justice in efforts to interrupt the peaceful transfer of power" and his efforts "risked involving the Department of Justice in actions that lacked evidentiary foundation and threatened to subvert the rule of law."

After Clark refused to answer questions, Thompson said it was "astounding that someone who so recently held a position of public trust to uphold the Constitution would now hide behind vague claims of privilege by a former President, refuse to answer questions about an attack on our democracy, and continue an assault on the rule of law."

favor of Lesleigh Nurse of Semmes, news outlets reported. Nurse said in a lawsuit that she was stopped in November 2016 when trying to leave a Walmart with groceries she said she already paid for, according to AL.com. She said she used self-checkout but the scanning device froze. Workers didn't accept her explanation and she was arrested for shoplifting. (AP)

Man charged in rape on train: A man accused of raping a woman on a commuter train



Omar



Boebert

outside Philadelphia while other passengers were present was ordered held for trial by a magistrate judge Monday.

Fiston Ngoy, 35, is charged with rape and related offenses. The Oct. 13 attack on a Southeastern Pennsylvania Transportation Authority train drew international attention. Police and other authorities initially said bystanders on the train should have intervened, but later said many of those passengers likely did not understand or realize a rape was happening on the train. (AP)

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