

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500



September 14, 2021

Dear Mr. President:

I write to you not only as the Speaker of the Missouri House of Representatives, but as a proud citizen of this great country and one of your constituents. As the elected leader of the people's House here in Missouri, I am compelled to give a voice to the many, many Missourians who are outraged by your recent directive to the U.S. Department of Labor. Part of my sacred duty as an elected official is to protect the constitutional rights of the citizens of our state. It's clear your directive to enact an emergency temporary standard based on OSHA's regulatory authority requiring private businesses with more than 100 workers to make COVID-19 vaccination a condition of employment is blatantly unconstitutional.

As a citizen of this great nation, it is obvious to me, and to anyone with a rudimentary understanding of our system of government, that this directive is an egregious overreach of federal authority. Under the 10th Amendment to the U.S. Constitution, powers not delegated to Congress by the Constitution, nor prohibited by it to the states, are reserved to the states. States enjoy general police power and are authorized to enact laws to provide for the public health, safety, and morals of their inhabitants. By contrast, the federal government has no such general police power and its authority is limited to that provided in the Constitution.

U.S. Supreme Court decisions such as *Jacobson v. Massachusetts* in 1905 and *Zucht v. King* in 1922 have repeatedly held that public health matters are the jurisdiction of the states. What the Court has never done, however, is allow the federal government to usurp the powers of the states when it comes to public health.

No existing federal law imposes vaccination requirements on the general population, and for good reason. The authority to do so is nonexistent. Even Congress lacks the authority to enact a policy like you intend to impose. One merely has to look back a few years to find repeated U.S. Supreme Court precedents that would foreshadow the downfall of such provisions. In *National Federation of Independent Business (NFIB) v. Sebelius*, the landmark Affordable Care Act decision from 2012, which struck down portions of President Obama's health insurance mandate, a majority of the Court agreed that there is a discrete limit to Congress's authority under the Commerce Clause; it cannot compel individuals to engage in commercial activity. If Congress cannot mandate the purchase of health insurance, it most certainly cannot mandate vaccination, let alone the President.

Similarly, just last month, the U.S. Supreme Court wholeheartedly rejected your administration's eviction moratorium as exceeding the authority of the Centers for Disease Control and Prevention (CDC). As the court stated in its per curiam opinion, "it would be one thing if Congress had specifically authorized the action that the CDC has taken. But that has not happened. Instead, the CDC has imposed a nationwide moratorium on evictions in reliance on a decades-old statute that authorizes it to implement measures like fumigation and pest extermination." Most akin to the current situation, the Court held that "the moratorium intrudes into an area that is the particular domain of state law: the landlord-tenant relationship." Just as this relationship is the domain of states, so are public health matters. Congress has not delegated public health matters to any federal agency, let alone OSHA.

On behalf of the elected representatives of the Missouri House and the more than 6 million Missourians we serve, I call on you to provide a sufficient legal basis for this proposed directive that appears to trample on the constitutional rights of American citizens. Know that my colleagues and I in the state legislature will fight vociferously to defend the rights of our citizens, and now more than ever we are compelled to serve as a shield against the intrusive hand of the federal government. Should you not be able to provide sufficient legal justification, which ostensibly does not exist, we demand that you immediately rescind your directive to OSHA regarding a vaccination mandate on private businesses.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rob Vescovo".

Representative Rob Vescovo
Speaker of the Missouri House of Representatives

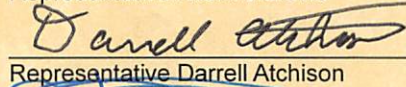
A handwritten signature in blue ink, appearing to read "John I. Wiemann".

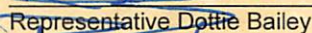
Speaker Pro Tem John Wiemann

A handwritten signature in blue ink, appearing to read "Dean Plocher".

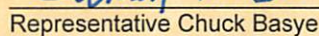
Majority Floor Leader Dean Plocher

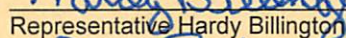

Representative Allen Andrews

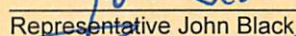

Representative Darrell Atchison


Representative Dottie Bailey

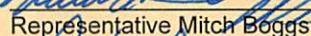

Representative Ben Baker


Representative Chuck Basye

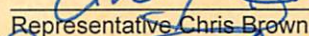

Representative Hardy Billington

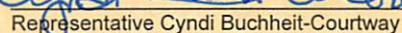

Representative John Black

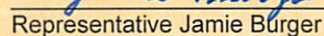

Representative Rusty Black

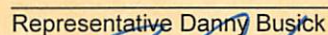

Representative Mitch Boggs

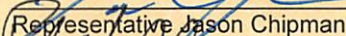

Representative Bob Bromley


Representative Chris Brown

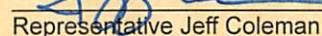

Representative Cyndi Buchheit-Courtway

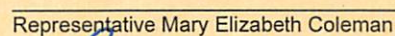

Representative Jamie Burger

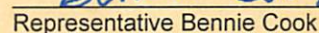

Representative Danny Busick


Representative Jason Chipman


Representative Phil Christofanelli

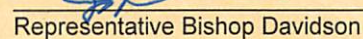

Representative Jeff Coleman

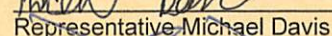

Representative Mary Elizabeth Coleman

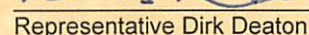

Representative Bennie Cook

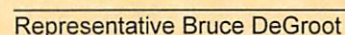

Representative Ron Copeland

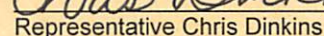

Representative Scott Cupps

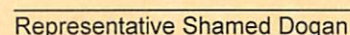

Representative Bishop Davidson

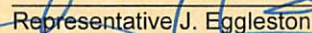

Representative Michael Davis

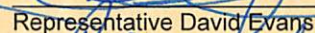

Representative Dirk Deaton

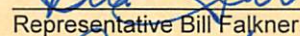

Representative Bruce DeGroot

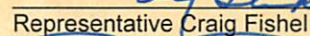

Representative Chris Dinkins

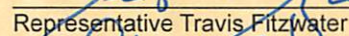

Representative Shamed Dogan

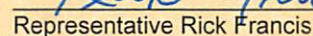

Representative J. Eggleston


Representative David Evans

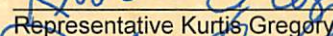

Representative Bill Falkner


Representative Craig Fishel


Representative Travis Fitzwater

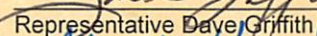

Representative Rick Francis

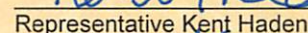

Representative David Gregory


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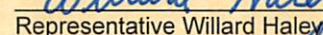

Representative Derek Grier

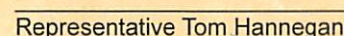

Representative Aaron Griesheimer


Representative Dave Griffith

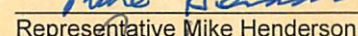

Representative Kent Haden


Representative Mike Haffner

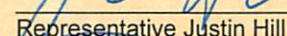

Representative Willard Haley


Representative Tom Hannegan

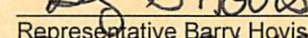

Representative Bill Hardwick

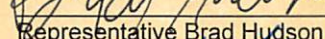

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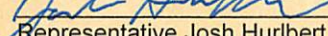

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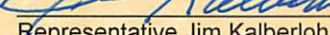

Representative Justin Hill

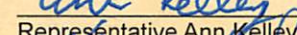

Representative Dan Houx


Representative Barry Hovis


Representative Brad Hudson


Representative Josh Hurlbert

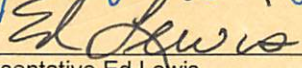

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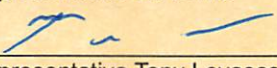

Representative Ann Kelley

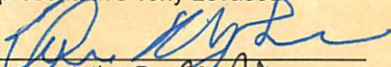

Representative Hannah Kelly


Representative Bill Kidd

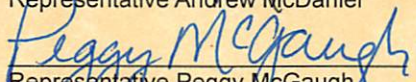

Representative Jeff Knight

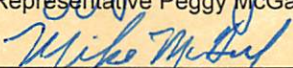

Representative Ed Lewis

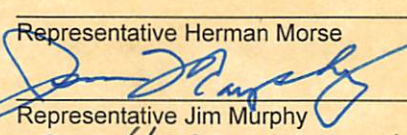

Representative Tony Lovasco


Representative Don Mayhew


Representative Andrew McDaniel

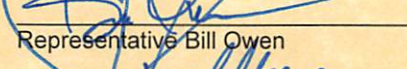

Representative Peggy McGaugh


Representative Mike McGirl

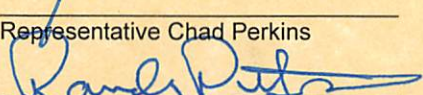

Representative Herman Morse

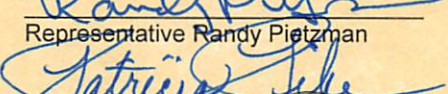

Representative Jim Murphy


Representative Michael O'Donnell


Representative Bill Owen

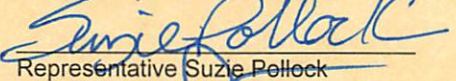

Representative Jon Patterson

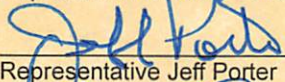

Representative Chad Perkins


Representative Randy Pietzman

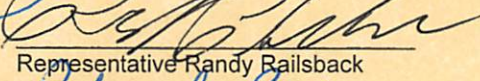

Representative Patricia Pike

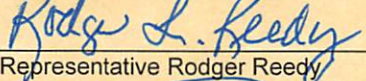

Representative Brad Pollitt


Representative Suzie Pollock

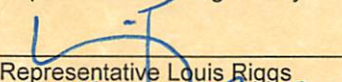

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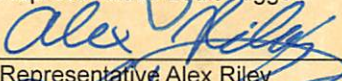

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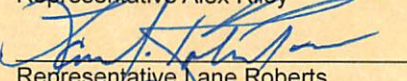

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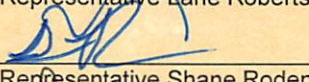

Representative Rodger Reedy

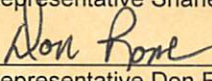

Representative Doug Richey

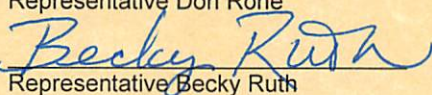

Representative Louis Riggs

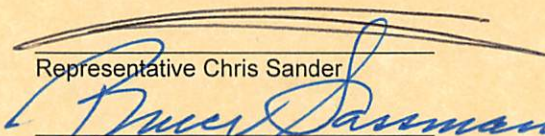

Representative Alex Riley


Representative Lane Roberts

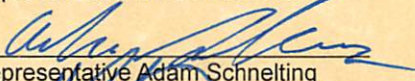

Representative Shane Roden

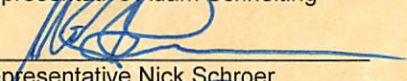

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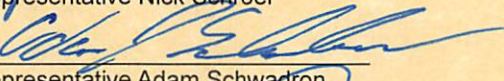

Representative Becky Ruth

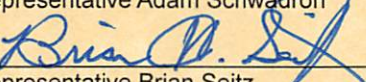

Representative Chris Sander

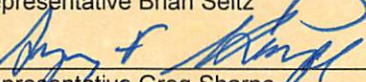

Representative Bruce Sassmann

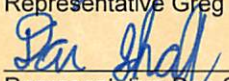

Representative Adam Schnelting

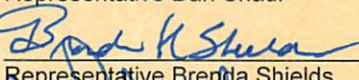

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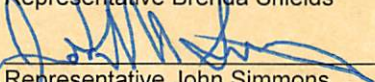

Representative Adam Schwadron

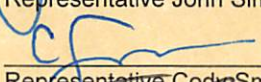

Representative Brian Seitz

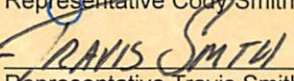

Representative Greg Sharpe


Representative Dan Shaul

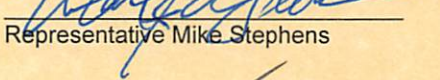

Representative Brenda Shields

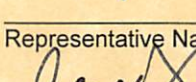

Representative John Simmons

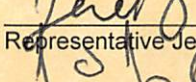

Representative Cody Smith


Representative Travis Smith

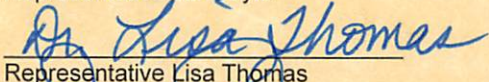

Representative Dan Stacy

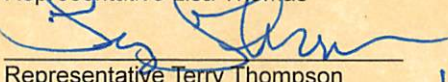

Representative Mike Stephens

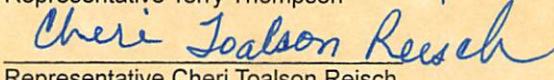

Representative Nate Tate

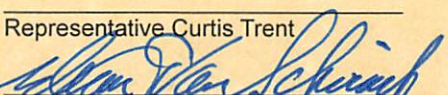

Representative Jered Taylor

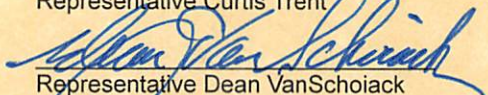

Representative Tim Taylor


Representative Lisa Thomas

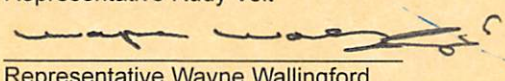

Representative Terry Thompson

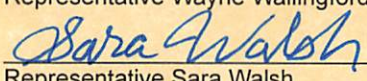

Representative Cheri Toalson Reisch

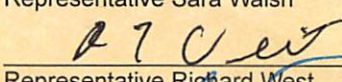

Representative Curtis Trent

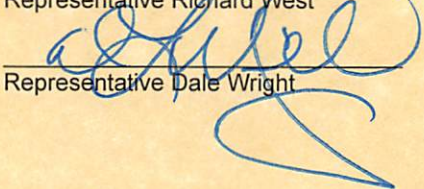

Representative Dean VanSchoiack


Representative Rudy Veit


Representative Wayne Wallingford


Representative Sara Walsh


Representative Richard West


Representative Dale Wright