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Vaccine mandate: Not just illegal, but also unworkable

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President Joe Biden's decision to require large private employers to ensure their workers are vaccinated or tested for the coronavirus is problematic not just in terms of the Constitution, statutes, and liberty interests, but it is also highly impractical.

Its impracticality also makes it potentially harmful economically.

The proposed "emergency" rule would require all businesses employing at least 100 workers to ensure that all workers be vaccinated or, if not, then tested weekly to prove they don't have the virus. Companies could be charged \$14,000 per violation.

This is crazy. If the onus is on the businesses, what are businesses to do if employees refuse to comply? Fire them all? How will unions, or labor advocates in general, react to that?

How will regulators react? Or trial lawyers? This rule is a recipe for lawsuits. Will businesses be caught in a bind — penalized for unvaccinated workers but also charged with unfair labor practices if they evade the mandate by reducing payrolls below 100?

Will the Democrats who control Washington keep extending unemployment to workers who are let go because they refuse to comply? Will workers thus be economically protected while the businesses pay fines as a result of the workers' own choices?

Who will pay for the testing programs? The businesses already burdened by worker shortages and supply-chain dysfunction? The taxpayers, via even more dangerous levels of deficit spending?

As it is, the infrastructure for testing is stretched near the limit in many places, even though now most people get tests only if they have symptoms of COVID-19. If massive new testing is required as a mere screening method, even for those feeling perfectly healthy, how will medical personnel keep up? Who will keep administrative tabs on all this? And if businesses are required to provide time off for workers to get tested, how will their own efficiency and productivity suffer? Will they need to raise prices to cover the added costs? How will an economy already suffering from high inflation cope with even greater upward price pressure?

Overall, the mandate on employers, and the punishment against them for workers who freely choose to reject vaccines, will further exacerbate worker shortages already so severe that the U.S. Chamber of Commerce is calling it a "crisis." It will also add to the federal debt and to inflation. With the Biden economy already veering toward Jimmy Carter-style "stagflation," this new mandate could tip the scales into full-blown economic disaster.

If Biden thinks putting the onus on employers will suddenly make recalcitrant workers decide to accept the vaccine, he still doesn't come close to understanding the resistance. Some of us may bewail the widespread anti-vax sentiment, but it is clear that a large part of it is a reaction against being "told what to do." Biden's order will only make most anti-vaxxers dig in their heels. Already, I know of businesses that offer cash rewards to employees to get vaccinated, yet the workers forgo the cash.

If resistance is so strong that people will decline cold cash, why will those workers suddenly change their minds if their employers are fined for their recalcitrance? With job openings aplenty, they may figure they can just find a gig with a smaller company not subject to the mandate while letting unemployment benefits carry them through any transition period.

In sum, even if the order didn't violate liberty in theory or the Constitution or current laws, it would still be fraught with hideous impracticality. This order ought to die a very, very swift death.