

Biden tells Republicans threatening to sue over vaccine mandate: 'Have at it' – as it happened

South Carolina and Arizona governors decry 'big government overreach' after president orders larger businesses to demand employees be vaccinated

[Gabrielle Canon](#) First published on Fri 10 Sep 2021 09.39 EDT

Updated 2d ago

Joe Biden speaks about combatting the coronavirus pandemic at the White House on Thursday. Photograph: Kevin Dietsch/Getty Images

[2d ago 19:59](#)

Evening summary

That's it for me tonight. Thanks for reading along! Here's some of what we covered:

- New details uncovered by the New York Times suggest

that the **US military mistakenly killed civilians and children with a drone** officials claimed had taken out Islamic State militants. The target, now identified as **Zemari Ahmadi, was a US aid group worker** and reportedly was distributing water to neighbors, not transporting weaponry or explosives.

- **The Biden administration appealed a ruling** from a US district court judge who put the Daca program on pause in July.
- The US Department of Education is investigating **Florida's ban on mask mandates** in schools, citing its potential for discrimination against students with disabilities. The agency is also investigating five other states with similar rules.
- Jacob Chansley — **the so-called QAnon Shaman** — will have to await sentencing for his part in the Capitol Riot after a federal judge denied his request for pre-trial release. **Chansley, who was pictured wearing horns on his head** as he stormed the building, pleaded guilty to obstructing an official proceeding last week.
- A federal appeals court struck down **Tennessee's controversial abortion law**, ruling that the ban on the procedure after a fetal heartbeat can be detected — near the six-week mark — was “constitutionally unsound”.

See you next time! Until then:

Updated at 8.20pm EDT

[3d ago 19:37](#)

Tennessee's controversial abortion law was blocked by a federal appeals court today, [ruling that the measure was "constitutionally unsound"](#).

The law banned abortions after a fetal heartbeat can be detected, which typically **occurs around 6 weeks** into the pregnancy — often before many women know they are pregnant.

"Although this circuit's recent—and alarming—decisions have broadened the extent to which the government may impede a person's constitutional right to choose whether to carry a pregnancy to term, the law remains clear that if a regulation is a substantial obstacle to a woman seeking an abortion, it is invalid," the court said in the ruling.

"Today is a huge win for pregnant people in Tennessee," said **Rabia Muqaddam, staff attorney at the Center for Reproductive Rights, in a statement.** "While we are relieved that the court has reinstated a full block on these abortion bans, we must remain vigilant," she added, noting that a case that makes it before the conservative-majority supreme court could overturn Roe v. Wade. "Congress must

act swiftly to protect abortion access and declare abortion bans like these illegal by passing the Women's Health Protection Act," she said.

The decision follows **last week's controversial ruling** from the US supreme court over a similar law in Texas, that granted victory to anti-abortion advocates and allowed the law to be enforced.

Updated at 8.21pm EDT

[3d ago 19:03](#)

The man known as the "QAnon Shaman" — who was pictured during the Capitol riot with his face painted underneath a fur hat adorned with horns — has been denied temporary release.

Jacob Chansley pleaded guilty to obstructing an official proceeding last week and asked to be freed from prison while he awaits sentencing. Today, a federal judge denied that request in a 9-page order, saying that "no condition or combination of conditions would ensure that he would not flee".

Ryan J. Reilly (@ryanjreilly)

"there is no doubt that he is a mascot for thee QAnon movement. Hundreds of attendees joined Chansley's September 3, 2021 plea-agreement hearing on the public access line, and at least once this Court's proceedings were interrupted with shouts of 'Freedom!'"

pic.twitter.com/1iAfHlIdKa

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Chansley was diagnosed with transient schizophrenia, bipolar disorder, depression and anxiety during his pretrial detention, Reuters [reports](#). He faces between 41 and 51 months in prison.

Updated at 8.22pm EDT

[3d ago 18:50](#)

US Department of Education to investigate Florida mask mandate

Florida's **ban on mask mandates in schools** —which penalizes school systems that require students to mask-up to stop the spread of Covid — is now under investigation by the US Department of Education's Office for Civil Rights.

The order, which was issued by Governor Ron DeSantis and **is currently being challenged in court**, will be evaluated by the federal agency for whether it fails to meet the needs of students with disabilities.

Ana Ceballos (@anaceballos_)

BREAKING: The civil rights arm of the U.S. Department of Education opens investigation into Florida's mask mandate ban in schools.

More on that announcement here: pic.twitter.com/gBhxjHxoi

At the end of August, the agency [announced](#) it was launching directed investigations into whether 5 states — Iowa, Oklahoma, South Carolina, Tennessee, and Utah — were discriminating against students with disabilities with their anti-mask-mandate orders.

“The Department has heard from parents from across the country – particularly parents of students with disabilities and with underlying medical conditions – about how state bans on universal indoor masking are putting their children at risk and preventing them from accessing in-person learning equally,” said **US Secretary of Education Miguel Cardona** in a statement. “It’s simply unacceptable that state leaders are putting politics over the health and education of the students they took an oath to serve.”

Florida was initially left off the list because its order wasn’t being enforced, the result of a ruling from Circuit Judge John C. Cooper last month, that the state couldn’t continue penalizing schools. Earlier today however, **Florida was granted approval to start enforcing** the order again while the appeals process continues. The investigation announcement from the Department of Education came just hours after the appeals court decision was issued.

In a letter **sent to the Florida Department of Education**

Commissioner Richard Corcoran today, the agency wrote that it “is concerned that Florida’s policy requiring public schools and school districts to allow parents to opt their children out of mask mandates may be preventing schools in Florida from meeting their legal obligations not to discriminate based on disability and from providing an equal educational opportunity to students with disabilities who are at heightened risk of severe illness from COVID-19”.

Updated at 8.23pm EDT

[3d ago 18:23](#)

Zebras may still on the loose in the suburbs of Washington DC, but at least one thing is now clear — Democratic **Congresswoman Eleanor Holmes Norton** did not set them free.

“My alibi is solid” she said in a statement, [according](#) to the Huffington Post, noting that she was home enjoying time with family last weekend when the striped equines began their adventure.

Tom Roussey (@tomroussey7news)

Five zebras are on the loose in Prince George’s Co. right now!

Nearby resident Paul Curling shared this video of a zebra seen from his backyard.

Animal services says they escaped from a farm last week near Duley Station Road in Upper Marlboro.

The farm has a permit for them.  pic.twitter.com/dY7XDx6vfx

The DC delegate was accused by a member of the public as commentary about her battle to make DC a state.

From HuffPost:

Norton said a member of the public accused her of letting the zebras free by pointing out that she has historically valued the principle of "consent of the governed," or the philosophy that a government's right to use state power is justified only when consented to by the people or society over which that political power is exercised.

Norton said it's true that she values that philosophy, particularly in her fight for D.C. statehood. She added that she opposes unnecessary fences, too.

For those reasons, Norton said, she can see why someone would accuse her of setting the zebras free. But it's not true.

"I can understand why the charge was made," said the D.C. delegate. "I hope the owners find the zebras and that all involved live long, full lives."

[3d ago 17:51](#)

The Justice Department has challenged the ruling by a US

District judge in Texas, who found the **Deferred Action for Childhood Arrivals** program (or DACA) to be unlawful.

In July, **Judge Andrew Hanen ruled** against the Obama-era program and barred the government from approving new applications. Current participants were allowed to continue as litigation progressed.

Today the Biden Administration's filed a notice to appeal, according to CNN, moving on previous comments from the president that he was "not letting this go".

"They come here with really no choice and they're good, good people," Biden said during a CNN townhall of the hundreds of thousands of people participating in the program, referred to as **Dreamers**.

[3d ago 17:24](#)

Gabrielle Canon here, taking you through the news for the rest of the afternoon from the west coast.

A New York Times [investigation](#) has shed light on an **American drone strike in Afghanistan** — one of the last fired in the war that stretched over 20 years — and raised new questions about whether it was justified.

The missile launched at a vehicle by the US military killed **10 people in Kabul** on August 29, including 7 children,

according to the report. Reporters also discovered that officials did not identify who the driver before firing, even though they later alleged the target taken out was ISIS affiliated.

Now revealed to be **Zemari Ahmadi, a US aid group worker**, interviews and surveillance footage reviewed by the NYT suggests he may have been taking colleagues to and from work when he died in the blast, and that the large containers identified in his car were filled with water to be distributed to neighbors.

From the NYT:

According to one of Mr. Ahmadi's passengers, a colleague who regularly commuted with him, the ride home was filled with their usual laughing and banter, but with one difference: Mr. Ahmadi kept the radio silent, as he was afraid of getting in trouble with the Taliban. "He liked happy music," the colleague said. "That day, we couldn't play any in the car."

Mr. Ahmadi dropped off his three passengers, and then headed for his home near the airport. "I asked him to come in for a bit, but he said he was tired," the last passenger said.

Although U.S. officials said that at that point they still

knew little about Mr. Ahmadi's identity, they had become convinced that the white sedan he was driving posed an imminent threat to troops at the airport.

When Mr. Ahmadi pulled into the courtyard of his home — which officials said was different than the alleged ISIS safe house — the tactical commander made the decision to strike his vehicle, launching a Hellfire missile at around 4:50 p.m.

Although the target was now inside a densely populated residential area, the drone operator quickly scanned and saw only a single adult male greeting the vehicle, and therefore assessed with "reasonable certainty" that no women, children or noncombatants would be killed, U.S. officials said.

You can read the full story [here](#).

Updated at 5.25pm EDT

[3d ago 17:00](#)

Today so far

That's it from me today. My west coast colleague, Gabrielle Canon, will take over for the next few hours.

Here's where the day stands so far:

- **Republican leaders are threatening lawsuits over Joe Biden's plan to order employers with 100 or more workers to establish vaccine mandates or require regular coronavirus testing.** The proposal is part of Biden's new six-pronged strategy to boost vaccinations and limit the spread of the Delta variant. "Joe Biden told Americans when he was elected that he would not impose vaccine mandates. He lied," said Republican National Committee chairwoman **Ronna McDaniel**. "When his decree goes into effect, the RNC will sue the administration to protect Americans and their liberties."
- **Biden responded to Republicans' threats of lawsuits with this message: "Have at it."** While visiting a middle school in Washington this morning, the president said, "I am so disappointed that, particularly some Republican governors, have been so cavalier with the health of these kids, so cavalier with the health of their communities."
- **A Florida appeals court handed Republican governor Ron DeSantis a victory in his battle to ban mask mandates in schools.** After a county court judge blocked the controversial policy from going into effect earlier this week, the appeals court ruled that the ban could be implemented as the case makes its way through the legal system.
- **Another 21 US citizens left Afghanistan today,** as the

Biden administration continues its efforts to evacuate Americans even after the military mission in Kabul formally ended last week. A spokesperson for the National Security Council said the Americans left Afghanistan "both on a chartered Qatar Airways flight from Kabul and via overland passage to a neighboring country".

- **US-bound flights carrying Afghan refugees were temporarily paused after four cases of measles were detected among the passengers.** The White House press secretary, **Jen Psaki**, said the flights were paused "out of an abundance of caution," and the Centers for Disease Control and Prevention are now contact-tracing the cases.

Gabrielle will have more coming up, so stay tuned.

[3d ago 16:42](#)

Richard Luscombe

The thorn in Florida governor **Ron DeSantis's** side has been Leon county court judge **John Cooper**, who first ruled for a group of parents on 2 September that the governor's order banning school mask mandates overstepped his constitutional authority.

On Wednesday, Cooper lifted the automatic stay on his own

ruling that came into effect when DeSantis appealed.

"Upon our review of the trial court's final judgment and the operative pleadings, we have serious doubts about standing, jurisdiction and other threshold matters," today's appeals court ruling stated.

"These doubts significantly militate against the likelihood of the appellees' [parents'] ultimate success in this appeal."

In plain English, it means DeSantis has the authority to at least try to ban mask mandates in schools while the case works its way further through the court system, although the districts are unlikely to comply.

And in a further twist on Friday, **Joe Biden** promised to pick up the tab for any financial penalties DeSantis imposes on the defiant districts through a [federal grant program](#) by the department of education.

"We should be thanking districts for using proven strategies that will keep schools open and safe, not punishing them," education secretary **Miguel Cardona** said.

[3d ago 16:25](#)

Florida appeals court gives DeSantis a win in effort to ban school mask mandates

Richard Luscombe

A Florida appeals court on Friday tilted the pendulum back towards the state's Republican governor **Ron DeSantis** in his [crusade to permanently ban school districts from imposing mask mandates](#) on students and staff.

The panel of three judges - two of them appointed by the previous Republican governor **Rick Scott**, and the other by DeSantis himself - overturned a district court judge's ruling from two days earlier that prevented the state from penalizing districts with such mandates.

Their decision effectively clears the way for the Florida department of education to resume its withholding of state funds from districts that continue to defy the governor.

So far 13 districts, covering [more than half of Florida's 2.8m school-age students](#), have mask mandates, with only a medical opt-out, and are not expected to change course despite today's ruling.

The see-saw legal battle centers on DeSantis's 30 July executive order that sought to make mask mandates illegal, and a subsequent lawsuit filed by a group of concerned parents claiming their children would suffer "irreparable harm" as a result.

[3d ago 16:06](#)

Joe Biden has not yet gotten his third coronavirus vaccine shot, even though he received his second dose in January, according to **Jen Psaki**.

Health experts are recommending Americans seek a vaccine booster eight months after their second shot, meaning the president should be getting his third dose soon.

Asked if and when Biden might get his booster shot, Psaki said, "He will. He has not yet gotten it yet. We'll wait until it's widely available, which we expect to be soon."

CBS News (@CBSNews)

Psaki says President Biden will get a COVID vaccine booster shot, but "we'll wait until it's widely available, which we expect to be soon"

pic.twitter.com/8Dkty38jZD

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3d ago 15:49

One reporter asked **Jen Psaki** whether **Joe Biden** is considering requiring coronavirus vaccinations for domestic flights in the US.

The White House press secretary did not rule out the possibility, saying, "We are always looking at more we can do to protect and save lives."

The **Biden administration** has already mandated mask usage for flights, trains and public transportation to limit the

spread of the virus from traveling.

[3d ago 15:37](#)

Jen Psaki confirmed that **Joe Biden** and Chinese President **Xi Jinping** spoke for more than 90 minutes yesterday.

Asked whether the two leaders had discussed coronavirus and its origins, the press secretary confirmed they had, but she did not offer any details on their comments.

The White House released a readout of the conversation yesterday, saying, "The two leaders had a broad, strategic discussion in which they discussed areas where our interests converge, and areas where our interests, values, and perspectives diverge. They agreed to engage on both sets of issues openly and straightforwardly."

The **Biden administration** has previously accused the Chinese government of withholding vital information on the origins of coronavirus, which was first detected in Wuhan.

[3d ago 15:22](#)

One reporter asked **Jen Psaki** whether the White House was concerned that **Joe Biden's** new vaccination policies could drive the country further apart, particularly considering Republican governors have threatened to sue over the president's proposals.

"Yes, we do see some loud, vocal opponents of what the president announced yesterday," the White House press secretary said.

"That's not a surprise. It's unfortunate. It's disappointing. It's sad, because ultimately these steps will save lives."

Asked why Biden changed his mind on vaccine mandates from earlier this year, Psaki said the administration did not anticipate the high level of vaccine opposition once the treatments were deemed safe and made easily available.

Updated at 3.33pm EDT

[3d ago 15:10](#)

US-bound flights for Afghan refugees 'temporarily paused' due to measles cases

The White House press secretary, **Jen Psaki**, is now holding her (twice-delayed) daily briefing with reporters, and she was asked about [a report](#) that health concerns have stalled US-bound flights for Afghan refugees.

Psaki confirmed that some Afghan refugees' planes have been "temporarily paused" because of four diagnosed cases of measles among the passengers.

The press secretary noted that refugees coming to the US are required to have their measles vaccination, and she said the Centers for Disease Control and Prevention has already started contact-tracing the cases.

[3d ago 14:50](#)



Peter Beaumont

The Taliban's violent crackdown on protests against their hardline rule has already led to four documented deaths, according to a UN human rights official who said the group had used live ammunition, whips and batons to break up demonstrations.

Ravina Shamdasani, the UN's rights spokesperson, told a briefing in Geneva that it had also received reports of house-to-house searches for those who participated in the protests.

The protests against the Taliban's return to power, many of which have been led by women fearful of their status under the Islamist group, have been the target of violence in a

number of locations and were [formally banned this week](#) without prior authorisation by the Taliban's new interior ministry.

Describing the crackdown on dissent as "severe", Shamdasani also described how journalists covering the demonstrations had faced intimidation, including in one case the threat of "beheading", apparently a reference to an incident in which two Afghan journalists [were detained, flogged and threatened](#) earlier this week.

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