

*CBS Mornings*

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[ON-SCREEN HEADLINE: Government Challenges Mask Ruling; DOJ Seeks to Overturn Judge's Decision Striking Down Mask Mandate]

GAYLE KING: It's like that Temptations song, Ball of Confusion, that's what the world is today, hey, hey.

ERROL BARNETT: And that ball continues to roll, Gayle. Good morning. Look, the CDC says amid a surge of COVID in several states across the country, a masking requirement indoors for travelers remains necessary and that is why it asked the Department of Justice late on Wednesday to make an official appeal. But all of this leaves us travelers stuck in the middle of what is a growing legal battle that certainly carries the potential to reach the Supreme Court. [APPLAUSE] Just two days after some flyers removed their face masks mid-flight, a legal challenge from the Justice Department could potentially bring the federal mask mandate back.

JEN PSAKI [on CNN+'s *Who's Talking to Chris Wallace?*, 04/20/22]: We're all ready for it to be over, but we want to ensure that public health experts are able to take steps if needed in the future.

BARNETT: As of Thursday, it remains up to passengers to decide whether to wear masks on public transportation. Though the sudden rule change Monday led to confusion with some cities like New York and Philadelphia still requiring masks on trains, buses, and in airports. In a statement, the CDC defended the mask mandate saying, "at this time, an order requiring masking in the indoor transportation corridor remains necessary for the public health." A Trump-appointed federal judge in Florida struck down the mandate Monday, saying the CDC exceeded its authority and didn't follow rule-making procedures. And this comes at a time when COVID-19 cases are surging in parts of the country.

DR. DAVID AGUS: The problem with air travel is that —

BARNETT: CBS News contributor Dr. David Agus says that while airplanes have strong filtration systems, it may not be enough for high-risk travelers —

AGUS: Those people will have more of a difficulty going out in public with a potential of being exposed. They can get very ill.

BARNETT: — which is a very real concern for Brian Vastag of Hawaii. He traveled to Alaska for treatment for his autoimmune disorders.

BRIAN VASTAG: I am constantly assessing my risk. I'm not going to know is there somebody on the plane who's sick right now.

BARNETT: And we all know pandemic fatigue is setting in for so many, but this decision certainly carries risks for the Biden administration. What's on the line? Well, the future influence of the CDC and the federal government's ability, Tony, should there be another virus, another variant to make health regulations.

TONY DOKOUPIL: Still a high-stakes situation.