

March 22, 2021

The Honorable Jack Johnson  
Cordell Hull Building, No. 702  
425 Rep. John Lewis Way N.  
Nashville, TN 37243  
(by email to: sen.jack.johnson@capitol.tn.gov)

The Honorable Glen Casada  
Cordell Hull Building, No. 586  
425 Rep. John Lewis Way N.  
Nashville, TN 37243  
(by email to: rep.glen.casada@capitol.tn.gov)

The Honorable Sam Whitson  
Cordell Hull Building, No. 552  
425 Rep. John Lewis Way N.  
Nashville, TN 37243  
(by email to: rep.sam.whitson@capitol.tn.gov)

The Honorable Brandon Ogles  
Cordell Hull Building, No. 660  
425 Rep. John Lewis Way N.  
Nashville, TN 37243  
(by email to: rep.brandon.ogles@capitol.tn.gov)

Re: Request for Answers on the Constitutionality and Enforceability of Certain  
Government Mask Mandates

Dear Senator and Representatives:

Last Friday I personally emailed (not a blast from a database) a number of our constituents in Williamson County an informal poll about government mask mandates using the free survey tool at SurveyMonkey.

Almost 100 responded by Saturday. However, the tool we used limited us to seeing the results of only the first 40 respondents, but of them, 35 asked that I send you this letter. If the ratio were to hold among the other 50 plus respondents and for *all* our constituents in Williamson County, it would be a *much* larger number.

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Therefore, on their behalf, as well as on behalf of myself as a constituent of Senator Johnson and Rep. Whitson, we would appreciate your respective answers or those of the attorney general to certain specific questions regarding the constitutionality of the COVID-19 mask mandates.

Legislation regarding *government*-imposed mask mandates, which is pending before the General Assembly, may not be needed if those mandates are unconstitutional or unenforceable due to equal protection problems.

As you might expect from the interactions I have had with some of you in the past, I have done my own legal research regarding what has been said so far by our state's Attorney General. It appears to me that the specific questions I am asking on behalf of everyone *have not been asked or answered*. I have put that research and those questions in the enclosure.

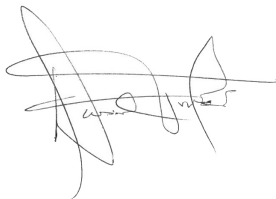
Please understand that the issue for us is not whether having flexibility in the imposition of mask mandates is good or bad policy or even whether mandating masks is good health policy, but rather whether what we are doing is constitutional.

Also, this letter is not an attack on the governor. In the attorney general's opinion specific to mask mandates, 20-14, his office said, "The constitutionality of any particular governmental mandate, though, would depend on its specific terms *and the underlying authority of the governmental entity issuing it.*" (emphasis added)

In sum, in our view, a policy is *per se* not good if it is adopted or imposed in contravention to the supreme law that the people have adopted for themselves and by which the actions of their representatives were to be governed and limited.

You may provide me the answers, and I will see that everyone gets them. Your quick attention to this matter will be much appreciated by us all. However, inasmuch as the present situation may establish a precedent for future actions, answers to these questions will be important going forward.

Sincerely,

A handwritten signature in black ink, appearing to read "David Fowler", with a large, sweeping flourish above the name.

David Fowler  
President