

Joint Statement to Governor Bill Lee and the Tennessee General Assembly Tennessee Stands and Moms for Liberty Tennessee

For well over a year now, we have seen the negative impact of government mandates on businesses and families in response to this virus. But there can be no doubt that our students here in Tennessee have been some of the hardest hit and they have the scars to prove it.

The latest TCAP results show that less than 30% of our students across the state are reading and understanding math simply at their own grade level. And for the most part, we know that we can blame the lack of in-person learning over the prior school year. Yet, we are now heading in that same direction for the 2021-2022 school year.

Many school districts have already committed to the same standard of quarantine protocols and contact tracing that was enacted last school year. We know that the great majority of students who will be quarantined due to contract tracing will be perfectly healthy students. And we also know that the amount of students in quarantine simply from contact tracing alone led to many temporary school closures due to the attendance falling below a particular threshold. Yet, we are moving in this same direction.

There is no data, it simply does not exist, that supports the notion that masks actually prevent the spread of a coronavirus. Many of us have watched the clips of politicians and influencers around the world put on a mask for a press conference and then take it right off as soon as the camera is off, or so they think. And these instances are plentiful. The officials that make the rules often do not follow the rules themselves. Yet, we are preparing to force our kids in masks during the upcoming school year.

We also know now conclusively, not only through data here in Tennessee but with data from around the world, that the effect of this coronavirus on children is miniscule at best and data has shown conclusively that schools are not a primary source of spread. Many pretend to take guidelines coming from the CDC, WHO, and the AAP as gospel though we've seen these guidelines change with the political winds as these conversations have progressed over the last year. Masks work. Masks do not work. Vaccines prevent the spread of the virus. Vaccines may not prevent spread but lessen the impact of the virus. We should be six feet apart. Nevermind, three feet will do just fine.

Our children are suffering, and it needs to stop.

On April 30, 2021, a Williamson County Chancery Court issued a ruling which stated:

“The Court is not convinced, as a matter of law, that WCBOE acted within its statutory authority as the time it promulgated its face-covering requirements...The Court cannot find, as a matter of law, Defendants have acted within the authority given to them by the legislature when enacting face-covering requirements.”

On July 27, 2021, Representative Bruce Griffey issued a statement along with 11 other members of the Tennessee House which said:

“To be clear, the legislature has not granted any authority to local school boards or superintendents to require face-coverings or promulgate any rules related to healthcare or the prevention of communicable diseases.”

On August 3, 2021, Knox County Law Director, David Buuck issued the follow statement in a memorandum to the Knox County Board of Education:

“With no state statute or rule or regulation specifically authorizing local boards of education to mandate COVID-19 protocols, including but not limited to mask/face covering mandates, this Knox County Board of Education should proceed with caution.”

“The Board of Education may institute a mask/face covering mandate, or empower the Director of Schools to do so, in regard to its general power under T.C.A. § 49-2-203(a)(2), but this office does not recommend such action based upon the discussion of authority herein.”

“Guidelines and recommendations from agencies such as the CDC and TDH are just that, guidelines and recommendations, not mandates.”

At the very least, it is highly suspect that a local board of education in the state of Tennessee has the statutory authority to make any rules requiring the use of face coverings for both staff and students. Yet, many are moving forward as if they do.

As you well know, one of the primary roles of both the Governor’s office and the Tennessee General Assembly is to secure the constitutional rights of the citizens of this state and to ensure that the state and state agencies do not exceed their constitutional or lawful authority in how rules are promulgated over the people. It is our belief that local boards of education have no authority to continue issuing requirements for face coverings in our schools. It is certainly clear that the authority to do so is being called into question by prominent attorneys, judges, and lawmakers in our state.

In the case where there is doubt of an elected official’s authority to issue a rule or a requirement on the general public, prudence and common sense would dictate that restraint is in order.

We request immediate action from Governor Bill Lee by executive order stating that local boards of education and superintendents (1) shall not issue requirements for face coverings in our schools, (2) shall not engage in contact tracing for COVID-19 in our schools or the quarantining of healthy students, (3) and shall not create any alternative learning situations or disparage in any way students who have not been vaccinated for COVID-19.

We request that Governor Bill Lee call a special session of the General Assembly by which these requirements on local schools can be secured by legislation and thereby the people protected from local boards of education promulgating rules from an authority they simply do not have.

For Liberty.



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