



Commonwealth of Kentucky

July 9, 2020

Via hand delivery

Hon. Andrew Beshear
Governor, Commonwealth of Kentucky
700 Capital Avenue, Suite 100
Frankfort, Kentucky 40601

Dear Governor Beshear:

We were made aware today, through your press conference, of your executive order mandating Kentuckians wear face coverings in response to the spread of the novel coronavirus. As usual, you have put forth this order by edict rather than through collaboration.

As the chief law officer for the Commonwealth and the leaders of the General Assembly, we are in a unique position to work with you on developing policies that protect public health during this pandemic while respecting the constitutional rights of Kentuckians. As members of Kentucky's law-making body, the duly elected representatives of the General Assembly are closest to the people and can assist in understanding the needs of local communities and how they will be impacted by mandatory orders.

With nearly half of Kentucky's workforce unemployed and Kentucky families facing unprecedented hardships, we must work together to ensure that any new policies or executive orders do not further harm our fragile economic recovery.

Instead, you have unilaterally imposed arbitrary and overbroad orders that purport to address the spread of the novel coronavirus in the same way—whether in Paducah or Pikeville, or whether in Louisville or Harlan. Unfortunately, your approach has repeatedly violated the Constitution and laws of this Commonwealth. Just today, in fact, the Scott Circuit Court issued a statewide temporary restraining order against your executive orders and guidance. Multiple state and federal courts have similarly enjoined the enforcement of your broad and arbitrary executive orders. *See, e.g., Roberts v. Neace*, 958 F.3d 409 (6th Cir. 2020) (prohibiting the Governor from enforcing his orders against drive-in and in-person religious services); *Maryville Baptist Church, Inc. v. Beshear*, 957 F.3d 610 (6th Cir. 2020) (enjoining enforcement

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of the Governor's orders that prohibited drive-in religious services); *Ramsek v. Beshear*, No. 3:20-CV-00036-GFVT, 2020 WL 3446249 (E.D. Ky. June 24, 2020) (enjoining the Governor from enforcing his unconstitutional ban on mass gatherings against political protesters); *Tabernacle Baptist Church Inc. of Nicholasville, KY v. Beshear*, 3:20-cv-33-GFVT (E.D. Ky. May 8, 2020) (granting temporary restraining order to enjoin the Governor from enforcing the prohibition on mass gatherings with respect to any in-person religious service which adheres to applicable social distancing and hygiene guidelines); *Roberts v. Neace*, No. 2:20CV054-WOB, 2020 WL 2115358 (E.D. Ky. May 4, 2020) (enjoining the Governor from enforcing his travel ban); *Florence Speedway, Inc. v. Beshear*, No. 20-CI-678 (Boone Cir. Ct. July 2, 2020) (granting temporary restraining order to enjoin the Governor from enforcing certain requirements as against automobile racetracks and daycares).

These court actions could have been avoided had you more carefully considered the constitutional implications and consulted with a broad range of stakeholders.

As you say, we are all in this together. We trust the citizens of this Commonwealth to make responsible decisions to protect themselves and their neighbors. As the chief leaders of the Kentucky General Assembly and the chief law officer of this Commonwealth, we ask that you do the same.

Sincerely,



Robert Stivers
Senate President



David Osborne
House Speaker



Daniel Cameron
Attorney General