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Ken Paxton
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

***** *Delivered Via Electronic Mail* *****

September 9, 2021

General Paxton:

We are writing to urge you to boldly resist President Biden’s unconstitutional vaccine mandates. As you are aware, the Biden Administration announced just a few hours ago that it is seeking to mandate, by executive order, that more than 80 million Americans become vaccinated, including threateningly forcing employers to mandate vaccines. This order is unconstitutional on its face, and because of it, there is no doubt that our founding fathers are looking upon our government now with great sadness and disappointment. In short, as Chairman James White put it: “These orders are un-American, un-Texan, and unconstitutional, and they need to be undone immediately.”

Jacobsen v. Massachusetts is a U.S. Supreme Court case commonly cited as a defense for vaccine mandates. In that case, however, the Court specifically stated that its ruling only applied to the facts of that case. In *Jacobsen*, smallpox was the disease in question, which had a mortality rate of 30%—far beyond that of COVID-19—and the vaccine had been in popular circulation for over 100 years (as opposed to the mere eight months of circulation of the COVID-19 vaccine). Regardless, no law is in question here—these are unconstitutional executive orders that will be very easily struck down.

For these reasons, we urge you to immediately fight these unconstitutional and un-American orders with the full force of the Attorney General’s Office by filing suit against the Biden Administration on behalf of the people of Texas.

Sincerely,

Rep. Mayes Middleton
Chairman, Texas Freedom Caucus